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100TH CONGRESS *1st Session*	SENATE	REPORT 100-75

FOREIGN RELATIONS AUTHORIZATION ACT FISCAL YEAR 1988

REPORT

OF THE

COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE

together with

ADDITIONAL VIEWS

ON

S. 1394

TO AUTHORIZE APPROPRIATIONS FOR FISCAL YEAR 1988 FOR THE DEPARTMENT OF STATE, THE UNITED STATES INFORMATION AGENCY, THE BOARD FOR INTERNATIONAL BROADCASTING, AND FOR OTHER PURPOSES

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CONTENTS

Page
Purpose ... 1
Summary ... 1
Committee Comments ... 3
I. Funding ... 3
A. General ... 3
B. Department of State ... 4
C. USIA ... 5
D. Board for International Broadcasting ... 5
II. United Nations ... 6
A. Funding Levels ... 6
B. Policy Issues ... 7
C. The World Health Organization ... 7
D. The Pan American Health Organization ... 8
E. The International Atomic Energy Agency ... 8
III. Moscow Embassy ... 8
IV. Consular Posts and Embassies Abroad ... 10
V. Prohibition on Exclusion of Aliens because of Political Beliefs ... 11
VI. United States Information Agency ... 11
A. The Voice of America ... 11
B. Educational and Cultural Exchanges ... 12
C. Worldnet ... 12
D. National Endowment for Democracy ... 13
VII. United States Advisory Commission on Public Diplomacy ... 14
VIII. The Edward Zorinsky Memorial Library ... 15
IX. U.S. Preference Requirement ... 16
X. Board for International Broadcasting ... 16
XI. Afghanistan ... 17
XII. The Iran-Iraq War ... 17
XIII. U.S. Policy Toward South Korea ... 17
XIV. The Global Climate Protection Act of 1987 ... 18
Committee Action ... 18
Section-By-Section Analysis ... 21
Section 1. Short Title ... 21
Title 1—The Department of State ... 21
Part A—Authorization of Appropriations; Allocations of Funds; Restrictions ... 21
Section 101. Administration of Foreign Affairs ... 21
Section 102. Contributions to International Organizations and Conferences; International Peacekeeping Activities ... 22
Section 103. International Commissions ... 23
Section 104. Migration and Refugee Assistance ... 23
Section 105. The Asia Foundation and Other Programs ... 24
Section 106. Reduction of Capital Construction Account ... 25
Section 107. Consular Posts and Diplomatic Missions Abroad ... 25
Section 108. Contribution to the Regular Budget of the International Committee on the Red Cross ... 25
Section 109. Restriction on Use of Funds for Public Diplomacy Efforts ... 25
Part B—Administrative and Personnel Provisions ... 27
Section 111. Restriction on Supervision of Government Employees by Chiefs of Mission ... 27
Section 112. Pay Level of Ambassadors-at-Large ... 27
Section 113. Compensation ... 27

Section-By-Section Analysis—Continued
Title I—The Department of State—Continued
Part B—Administrative and Personnel Provisions—Continued

Page
Section 114. Extension of Limited Appointments 27
Section 115. Repeal of Office of Policy and Program Review 28
Section 116. Carry-Over of Senior Foreign Service Performance Pay 28
Section 117. Survivor and Health Benefits for Certain Former Spouses 28
Section 118. Retirement Benefits for Certain Former Spouses 28
Section 119. Elimination of Unnecessary Reporting Requirements 28
Section 120. Clarification of Jurisdiction of Foreign Service Grievance Board 29
Section 121. Protection of Civil Service Career Employees 29
Section 122. Compensation of Fascell Fellows 30
Section 123. Competence and Professionalism in the Conduct of Foreign Policy 30
Part C—Buildings and Facilities 30
Section 131. Preservation of Museum Character of Portions of Department of State Building 30
Section 132. Authority to Insure the Furnishings of State Department Diplomatic Reception Rooms 30
Section 133. Financial Reciprocity with Foreign Countries 30
Section 134. The New Soviet Embassy 31
Section 135. Embassy Security 31
Section 136. Official Residence for the Secretary of State 32
Section 137. Prohibition on the Use of Funds for Facilities in Israel, Jerusalem, or the West Bank 32
Part D—International Organizations 32
Section 141. Reform in the Budget Decision-Making Procedures in the United Nations and its Specialized Agencies 32
Section 142. Immunities for the International Committee on the Red Cross 33
Section 143. Israel's Participation in the Economic and Social Council of the United Nations 33
Section 144. Appointment of Secretaries to the North Atlantic Assembly Delegations 33
Section 145. Protection of Tyre by the United Nations Interim Force in Lebanon 33
Title II—The United States Information Agency 33
Section 201. Authorization of Appropriations; Allocations of Funds 33
Section 202. Voice of America 33
Section 203. Bureau of Educational and Cultural Affairs 33
Section 204. National Endowment for Democracy 34
Section 205. East-West Center 34
Section 206. Posts and Personnel Overseas 34
Section 207. The Arts America Program 35
Section 208. Congressional Grant Notification 35
Section 209. Forty-Year Leasing Authority 35
Section 210. Receipts from English Teaching, Library, Motion Picture, and Television Programs 35
Section 211. Professorship on Constitutional Democracy 35
Section 212. United States-India Fund 35
Section 213. United States-Pakistan Fund 35
Section 214. United States Information Agency Programming on Afghanistan 35
Section 215. United States Advisory Commission on Public Diplomacy 36
Section 216. The Edward Zorinsky Memorial Library 36
Section 217. Contractor Requirements 36
Title III—The Board for International Broadcasting 38
Section 301. Authorization of Appropriations; Allocation of Funds 38
Section 302. Currency Gains 38
Section 303. Certification of Certain Creditable Service 38
Title IV—The Global Climate Protection Act of 1987 39
Section 401. Short Title 39

Section-By-Section Analysis—Continued

Title IV—The Global Climate Protection Act of 1987—Continued

Part D—International Organizations—Continued

Page
Section 402. Findings 39
Section 403. Task Force on the Global Climate 39
Section 404. Report to Congress 39
Section 405. Ambassador-at-Large 40
Section 406. International Year of Global Climate Protection 40
Section 407. Climate Protection and United States-Soviet Relations 40
Title V—Miscellaneous Provisions 40
Section 501. Enforcement of Case Act Requirements 40
Section 502. Federal Jurisdiction of Direct Actions Against Insurers of Diplomatic Agents 40
Section 503. Prohibition on Use of Funds for Political Purposes 41
Section 504. Prohibition on Exclusion of Aliens because of Political Beliefs 41
Section 505. Authority to Invest and Recover Expenses from International Claims Settlement Funds 42
Section 506. Payment of the Claim of Joseph Karel Hasek from the Czechoslavakian Claims Fund 42
Section 507. Prohibition on International First Class Air Travel by Congressional Staff 42
Section 508. Public Access to United Nations War Crimes Commission Files 42
Section 509. Policy on Afghanistan 42
Section 510. Policy toward the Iran-Iraq War 42
Section 511. Iranian Persecution of Baha'is 43
Section 512. Refugees from Southeast Asia 43
Section 513. Policy toward South Korea 43
Section 514. Policy toward North Korea 43
Section 515. Policy against Persecution of Christians in Eastern Europe and the Soviet Union 44
Section 516. Concerning Observance by the Government of Romania of the Human Rights of Hungarians in Transylvania, especially the Right of Self-Determination 44

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FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 1988

June 18, 1987.—Ordered to be printed

Mr. Pell, from the Committee on Foreign Relations,
submitted the following

REPORT

together with

ADDITIONAL VIEWS

[To accompany S. 1394]

The Committee on Foreign Relations, having had under consideration an original bill to authorize appropriations for fiscal year 1988 for the Department of State, the United States Information Agency, the Board for International Broadcasting, and for other purposes, reports favorably thereon and recommends that the bill do pass.

Purpose of the Bill

The principal purpose of this bill is to authorize fiscal year 1988 appropriations for the Department of State, the United States Information Agency, and the Board for International Broadcasting.

Summary

The Foreign Relations Authorization bill sets funding levels for the Department of State, the United States Information Agency (USIA), and the Board for International Broadcasting (BIB). For the programs authorized in this bill for fiscal year 1988, the committee provides $3,630,749,000. This compares with $3,582,043,000 appropriated in the fiscal year 1987 Continuing Resolution. Not counting likely fiscal year 1987 supplemental appropriations, this figure represents only a very modest increase over the fiscal year

1987 budgets of these foreign affairs agencies. In real terms, there is no program growth. Depending on congressional action on various proposed supplementals, the authorized fiscal year 88 figure for programs authorized in this bill could be lower than the fiscal year 1987 actual level of appropriations.

The bill contains a number of important legislative provisions offered by various members of the committee. Among the items included in this bill are:

Full funding of the United States assessed contributions to the United Nations and other international organizations, contingent upon adherence to the significant budgetary and administrative reforms made by the United Nations;

A comprehensive provision to address security and construction problems at the United States Embassy in Moscow;

A prohibition on the closing of United States Embassies and consular posts except under limited circumstances;

A modification of U.S. visa law to ensure that aliens are no longer excluded solely because of their political views;

A restructuring of the United States Advisory Commission on Public Diplomacy to restore its independent and bipartisan character;

The creation of a high level task force to develop a government-wide strategy to address the serious problem of global warming;

Policy language on Afghanistan, the Iran-Iraq War, and South Korea; and

A provision to rename the new USIA library in Jakarta, Indonesia after Senator Edward Zorinsky.

The committee considers the programs authorized in the bill to be vital to the national security of the United States. An effective diplomatic establishment protects our country by strengthening relations with allies and friends, by negotiating agreements to reduce international tension and to facilitate international commerce, by providing accurate information about the United States and the world to people abroad, by arranging international educational and cultural exchanges, and by providing detailed and accurate assessments of political, economic and social developments. To accomplish these complex missions, our foreign affairs agencies need adequate resources and support.

The committee has provided funding essential to maintain the ongoing operations of the State Department, the United States Information Agency, and the Board for International Broadcasting. In order to do so and stay within likely budget resolution levels, the committee was forced to cut a number of nonessential programs and to defer virtually all embassy and radio construction projects. The committee believes any further cuts would cause serious damage to the effectiveness of the foreign affairs agencies and to the conduct of U.S. foreign policy.

COMMITTEE COMMENTS

I. FUNDING

A. General

The committee authorized appropriations of $3,630,749,000 for the Agencies and programs authorized in this legislation. This compares to $3,582,043,000 appropriated in the fiscal year 1987 Continuing Resolution. The increase of $48,706,000 represents only slightly more than one percent of the budget of the foreign affairs agencies and is below the level required to cover inflation.

The committee seeks to protect the core operations of the foreign affairs agencies, while reducing less vital programs and placing a virtual moratorium on capital (construction) programs. Thus, the committee authorized funding at a level close to the administration's full request for the salaries and expenses of the State Department and USIA. On the other hand, the committee eliminated funding for VOA radio construction and for the building of new embassies.

The committee considers both the radio construction and embassy security programs important to the national interest and believes these ought to be funded when the overall budget permits. The committee therefore is not eliminating these programs but rather deferring them until adequate resources are available.

Both the VOA modernization program and the embassy construction program have substantial unobligated balances. Even without new authorizations or appropriations, these programs can continue through at least the next fiscal year. Thus, the administration and the Congress will have an opportunity to resume funding without any interruption in the ongoing construction program.

The committee notes that the embassy construction program has been plagued by management deficiencies, poor design, expensive construction, and serious security problems. The committee therefore believes its decision to place a moratorium on new construction is a prudent management device, as well as a decision justified by the current budget situation. The committee also notes there is some $800,000,000 in unobligated balances in the Embassy construdction program. To ensure that the State Department may proceed with the construction of missions in high threat areas, the committee provides the State Department an authority to use these unobligated balances (without regard to existing earmarks or reprogramming requirements) for the high priority diplomatic security construction and other programs.

The following table provides a summary of the authorization made for the Foreign Affairs Agencies by this bill.

FOREIGN RELATIONS AUTHORIZATIONS ACT

[In thousands of dollars]

Agency	1987 appropriation level	1988 authorization request	Committee mark new fiscal year 1988 authorization
Department of State	2,612,793	3,104,099	2,691,749
USIA	829,250	941,857	777,000
BIB	140,000	203,573	162,000
Total	3,582,043	4,249,529	3,630,749

B. Department of State

The committee provided $2,691,749,000 in new budget authority for the Department of State, an increase of $78,956,000 from the fiscal year 1987 level of $2,612,793,000. In addition, the committee earmarked $323 million of the funds previously authorized for fiscal year 1988 under the Diplomatic Security and Anti-Terrorism Act of 1986 for the ongoing Acquisition and Maintenance of Buildings Abroad, and $73 million for the salaries and expenses of the Diplomatic Security program. The committee also directed the $20.7 million of the funds previously authorized under the Diplomatic Security and Anti-Terrorism Act of 1986 be used for the Asia Foundation and other purposes.

The new spending authorizations for the major categories of the State Department budget are as follows: $1,726,539,000 for the Administration of Foreign Affairs; $605,860,000 for International Organizations and Conferences; $29.2 million for International Commissions; $15.7 million for the Asia Foundation and the other programs; and $314,450,000 for refugee programs.

The committee believes a successful foreign policy depends on an adequate funding of the ongoing operations of the State Department. To a large extent, these expenses are salaries for personnel. In making budget reductions, the committee chose to protect people and to defer the building program.

DEPARTMENT OF STATE

[In thousands of dollars]

	1987 appropriation level	1988 authorization request	Reallocation of previously authorized funds	Committee mark New fiscal year 1988 authorization
Administration of foreign affairs	1,787,577	2,234,272	[1] 397,262	2,691,749
International organizations and conferences	419,860	506,000		605,860
International commissions	29,200	32,706		29,200
Refugee programs	360,856	314,450		314,450
The Asia Foundation and other programs	15,300	16,671	[1] 6,200	15,700
Total	2,612,793	3,104,099		2,691,749

[1] The committee bill provides that these funds shall be taken from the $417,962,000 already authorized for fiscal year 1988 under the Diplomatic Security and Anti-Terrorism Act of 1986.

C. USIA

The committee provided $777 million in new budget authority for the United States Information Agency, a cut of $52,295,000 from the fiscal year 87 appropriated level.

In addition, the committee provided authority for $2.5 million of the funds previously authorized under the Diplomatic Security Act of 1986 to be used for the National Endowment for Democracy. The new spending authorizations for the major categories of the USIA budget are as follows: $377 million for Salaries and Expenses; $180 million for the Voice of America; $185 million for the Bureau of Educational and Cultural Exchange; $20 million for the East-West Center; and $15 million for the National Endowment for Democracy.

U.S. INFORMATION AGENCY

[In thousands of dollars]

Appropriations	1987 appropriation level	1988 authorization request	Reallocation of previously authorized funds	Committee mark New fiscal year 1988 authorization
Salaries and expenses [1]	370,684	420,198		377,000
VOA	164,736	183,271		170,000
VOA: Cuba Service	11,250	12,652		10,000
Radio construction: current appropriations and 1988 request	66,000	90,000		0
Educational and cultural exchange programs [2]	181,625	190,736		185,000
East-West Center	20,000	20,000		20,000
National Endowment for Democracy	15,000	25,000	[3] 2,500	15,000
Total	829,295	941,857		777,000

[1] Exclusive of Voice of America and Exchange Bureau Salaries and Expenses.

[2] Includes the Arts America Program.

[3] The committee bill provides that these funds be taken from the funds previously authorized under the Diplomatic Security and Anti-Terrorism Act of 1986.

D. Board for International Broadcasting

The committee provided $162 million in new budget authority for the Board of International Broadcasting, an increase of $22 million from the fiscal year 1987 appropriated levels. In addition, the committee provided authority for $12 million of the funds previously authorized for fiscal year 1988 under the Diplomatic Security and Anti-Terrorism Act of 1986 to be used for BIB transmitter modernization.

The new budget authorization for the major categories of the BIB budget are as follows: $1,237,000 for Administrative Expenses; $133,158,000 for Operating Expenses; and $27,605,000 for Foreign Currency Rate Adjustments.

BOARD FOR INTERNATIONAL BROADCASTING

[In thousands of dollars]

Federal appropriation	1987 appropriation level	1988 authorization request	Reallocation of previously authorized fund	Committee mark: New fiscal year 1988 authorization
Board for International Broadcasting: Administrative expenses	1,168	1,237		1,237

BOARD FOR INTERNATIONAL BROADCASTING—Continued

[In thousands of dollars]

Federal appropriation	1987 appropriation level	1988 authorization request	Reallocation of previously authorized fund	Committee mark New fiscal year 1988 authorization
Grants to RFE/RL, Inc.				
Operating expenses	120,485	133,158		133,158
Transmitter Modernization	18,347	41,948	[1] 17,000	
Foreign Currency Supplementals & Rate Adjustment		27,230		27,605
Total	140,000	203,573		162,000

[1] The committee bill provides that these funds shall be taken from those already authorized for fiscal year 1988 pursuant to the Diplomatic Security and Anti-Terrorism Act of 1986.

II. UNITED NATIONS

A. Funding Levels

The committee bill authorizes appropriations for the full United States assessed contributions to the United Nations and other international organizations. In addition, the committee accepted an amendment offered by Senator Kassebaum modifying Section 143 of Public Law 99-93 by (a) eliminating the requirement that the United Nations and the specialized agencies adopt a system of weighted voting on budget matters and (b) permitting payment of the full U.S. assessed contribution as long as the United Nations (or the applicable specialized agency thereof) continues to abide by recently enacted budget reforms. These reforms require consensus for the adoption of a budget.

In 1985, the Congress enacted a Kassebaum amendment designed to force budget reform at the United Nations. Prior to enactment of the Kassebaum amendment, United Nations budgets were adopted purely on the basis of a one-vote-per-member system. On the other hand, assessments for the payment of the United Nations' budget were, and are, apportioned among members according to a formula based principally on the nation's gross national product. Under this system, a great majority of the members of the United Nations General Assembly could, and routinely did, vote budgets which were paid almost entirely by a handful of affluent nations. This system ineluctably led to the growth of a top-heavy United Nations bureaucracy.

The 1985 Kassebaum amendment prohibited payment by the United States of more than 20% of the United Nations' budget until the General Assembly adopted a system for voting on budgets in which a member's weighted vote was proportionate to the member's contribution. The Kassebaum amendment led to a 5% shortfall in the United Nations budget (the U.S. assessed contribution is 25% of the total budget). In addition to the Kassebaum amendment, Congress approved other cuts and withholdings affecting funding for the United Nations and its specialized agencies. The total cuts in the U.S. assessed contribution led to a financial crisis that, in turn, led to administrative reforms and a new budget-making mechanism. Pursuant to the provisions of General Assembly Resolution 41/213, budgets must first be approved by a budget committee on which the United States sits. This committee is required to make budget decisions on a consensus basis. Thus, the budget reforms embodied in Resolution 41/213 provide the United States protection comparable to the system of weighted voting. Further, the budget actually adopted by the General Assembly in December 1986 showed remarkable restraint, with no real program growth.

The new Kassebaum amendment will allow the United States to pay its full assessed contribution as long as the General Assembly adheres to the consensus feature of General Assembly Resolution 41/213. The United States Congress initiated the very major U.N. budget reforms. The United Nations has done its part by taking significant steps toward implementing the system of reforms. The committee believes that the Congress should show its support for the reform process by providing the necessary funds to meet U.S. treaty obligations to pay our assessed share of the United Nations budget. A failure to provide full funding would be seen by the world community as an act of bad faith and would strengthen greatly the hands of those opposed to budget reform.

While the funding levels authorized by the committee will allow the United States to meet its assessed contributions in 1987, they are not sufficient to compensate for arrearages created by past failures to pay the U.S. assessed contributions. Means need to found to make up these arrearages if the United States is to fully meet its treaty obligations as a member of the United Nations. The committee continues to believe that the United Nations is an institution that serves United States foreign policy interests.

B. Policy Issues

The committee adopted a provision offered by Senator Pell to condition continued United States participation in ECOSOC on Israel's ability to participate fully in ECOSOC activities. Currently, Israel has been denied admission to any regional commission. This is a further example of unjustified discrimination against Israel in international fora. If Israel is denied its right to participate in an ECOSOC regional commission, the committee believes these commissions should then be denied the benefits of United States participation. This action is consistent with previous congressional action requiring the United States to suspend participation in any U.N. organization which illegally denies Israel its right to participate.

The committee also adopted a provision sponsored by Senator Moynihan calling upon the administration to support access by interested individuals and organizations to the files of the United Nations War Crimes Commission which are now deposited in the archives of the United Nations. These files contain documentation of the greatest crime in all human history, the Nazi holocaust.

C. The World Health Organization

The committee notes that, in January 1987, the Executive Board of the World Health Organization adopted a resolution setting out budget reform measures which have been applied de facto for many years. According to the resolution, WHO's program and budget will be determined by consensus, a process which ensures that the views of the major financial contributors are taken into account.

In addition, the resolution directs that WHO budgets should provide for zero growth in real terms and the absorption to the extent possible of cost increases due to inflation and currency fluctuations.

The committee bill provides full funding for the assessed contribution to WHO. In view of WHO's record of fiscal restraint, the committee urges the administration to make up any prior year arrearages owed the WHO.

Finally, the committee notes that WHO is now taking the lead role in coordinating the global campaign against the AIDS epidemic. The committee believes the United States should take the lead in promoting a greatly expanded WHO role in fighting AIDS and should fully fund its share of such efforts.

D. The Pan American Health Organization

The committee bill continues the Congress' strong support for the Pan American Health Organization. The Pan American Health Organization has demonstrated special responsiveness to U.S. budgetary and policy concerns. Its technical cooperation excellence in the field of health also has provided both direct and indirect benefits for the United States as well as for the other member countries in the Western Hemisphere. It has been a leader in advancing primary health care, in expanding the access of infants and mothers to immunization, in promoting preventive measures against malaria and other tropical diseases and now in coordinating regional efforts to control AIDS.

E. The International Atomic Energy Agency

The committee wishes to re-affirm its commitment to the work of the International Atomic Energy Agency (IAEA). In recognition of the critical role of the IAEA in support of U.S. nonproliferation and nuclear safety interests, the committee has earmarked the full $31,443,000 for the U.S. assessed contribution to the IAEA. The IAEA's response to the 1986 Chernobyl reactor accident underscored both the importance of the IAEA's work in nuclear safety as well as its ability to promote effective international cooperation through carefully managed programs.

The IAEA's inspection program provides assurance that nuclear material under safeguards is used exclusively for peaceful purposes. An effective safeguards system is vital to U.S. efforts to reduce the threat of the further spread of nuclear weapons and to the continuation of U.S. nuclear exports. The U.S. Atomic Energy Act requires that IAEA safeguards be applied to U.S. nuclear exports. In the absence of IAEA safeguards, the United States would be forced to apply bilateral safeguards at significant cost to the United States.

III. MOSCOW EMBASSY

In recent months there have been shocking revelations about the apparent compromise by Soviet agents of both the existing and partially completed United States chancery buildings in Moscow. With the alleged assistance of United States marine security guards, Soviet KGB agents apparently gained access to the most sensitive parts of the current U.S. chancery building. Because of this penetration it is now impossible to carry on sensitive business in the building with any certainty about the security of such business. The new chancery building, which is only partially constructed, has been subject to a very sophisticated Soviet effort to implant listening and monitoring devices throughout the structure.

The revelations about Soviet activities in Moscow have again raised concerns about Soviet electronic surveillance capability from their new chancery building on Mount Alto in Washington, DC. Because of its altitude the new Soviet site is said to be an advantageous position from which both government and private communications could be intercepted.

American outrage over Soviet actions against the U.S. Embassy in Moscow and concern about Soviet eavesdropping capabilities in this country have spawned a number of legislative proposals. These include legislation to tear down the partially constructed chancery in Moscow, to require the Soviets to pay compensation before occupying any new facility in Washington, and to vitiate the agreement under which the Soviets gain access to the Mount Alto site.

The committee shares the outrage that many Americans feel about the Soviet actions. The committee recognizes an urgent need for a secure United States facility in Moscow and for a program to correct the very serious management deficiencies in the State Department's building and security programs and to minimize a Soviet intelligence threat from Mount Alto.

Finding a solution to the Moscow Embassy problem which enhances rather than diminishes the security of that facility is a complex task. Decisions about the future of the existing building and of the new chancery should not be made precipitately.

For the Congress to address this problem, it must have the full facts as well as the benefit of the considered judgment of the State Department professionals charged with Embassy security. To this end the committee adopted an omnibus Moscow Embassy amendment, cosponsored by Senators Pell, Lugar, Murkowski, Kerry, and Boschwitz. The bipartisan committee proposal would:

(1) prohibit the Soviets from using their new chancery building on Mount Alto, including use of communication equipment, until a secure chancery is available for United States use in Moscow;

(2) require the State Department to provide by August 31, 1987 a complete list of options for the disposition of the partially constructed Moscow chancery building together with the cost of each option and a recommendation;

(3) set up a task force on the management of security in foreign buildings, chaired by the Secretary of State with the Director of Central Intelligence as Vice-Chair, to devise a program by August 31, 1987 for the improvement of security in embassy construction functions of the State Department; and

(4) require an assessment of whether U.S. national interests would be served by vitiating the agreement under which the Soviets will occupy a new chancery building on Mount Alto.

Currently three different special panels are assessing the Moscow situation and the general problem of Embassy security.

The Committee believes it would be prudent to have these reports before making a decision on the building. Reports due August 31, 1987 will give the Congress adequate opportunity to make a timely decision on the building.

The committee believes careful consideration must be given to any action taken in this sensitive area. For example, the committee rejected on a 14-4 vote an amendment to require the Soviets to pay compensation for the damage done to the new chancery. While the committee agrees that compensation is desirable, the committee looked to the possible consequences of trying to require it. In the likely event the Soviets failed to pay, each side would remain in its current facilities. Thus, the Soviets would stay in their presumably secure 16th Street chancery, while the United States would remain in a building that has been compromised by the KGB. The committee does not believe this result would serve the United States national security interest.

IV. CONSULAR POSTS AND DIPLOMATIC MISSIONS ABROAD

The committee adopted several provisions designed to continue the operations of several U.S. consular posts and small embassies. The committee concurs with Senators Pell and Helms that consular posts and embassies represent America's first line of defense.

An American diplomatic presence in a major city overseas is an extremely cost-effective means of promoting American interests. In addition to providing assistance to Americans overseas, the American diplomat at a consular post provides valuable reporting on local political and economic developments and assists American business develop contacts and find market opportunities. By virtue of representing the United States, the professional diplomat is inevitably a key person within the establishment of the consular city. His contacts would be difficult, if not impossible, to duplicate by the Embassy staff in the capital city.

Closing consular posts saves very small sums of money. Inevitably the citizens' services work has to be done. Commuting from a far-away capital can involve significant travel expenses and a considerable reduction in efficiency.

Similarly, closing embassies will merely increase travel requirements on American diplomats. Meanwhile, closing embassies and consular posts sends an unfortunate signal to the host country and is widely seen as an example of American retreat from world responsibilities.

Given the current budget climate, savings will have to be made in both State Department and USIA operations. The committee believes that such savings must first be made in the domestic bureaucracy and in less vital programming. It is these areas that have grown the most in recent years. For example, USIA employees based in the Washington headquarters have increased from some 3,000 in 1981 to over 4,000 in 1986. By contrast, the number of American agency employees overseas has remained constant at roughly 1,040.

V. PROHIBITION ON EXCLUSION OF ALIENS BECAUSE OF POLITICAL BELIEFS

For many years, the United States has embarrassed itself by excluding prominent foreigners from visiting the United States solely because of their political beliefs. Among those excluded, or harrassed, in recent years have been Nobel Laureates Gabriel Garcia Marquez and Pablo Neruda, and authors Graham Greene, Doris Lessing, and Carlos Fuentes. In these cases and others, the excluded individuals had done no more than exercise rights to freedom of expression and association enshrined in the Universal Declaration of Human Rights—rights promoted in congressionally-initiated human rights legislation and constitutionally protected for all U.S. citizens.

The committee has adopted legislation, offered by Senators Simon, Moynihan and Kassebaum, to take away the executive branch's authority to deny visas to foreigners solely because of the foreigner's political beliefs or because of his anticipated speech in the United States. The committee considers this affirmation of the principles of the First Amendment to be especially appropriate in this bicentennial year of the U.S. Constitution.

The committee recognizes that more sweeping changes in the provisions of the law relating to exclusions and deportations are now pending in the Senate Judiciary Committee and in the House of Representatives. The committee believes that further changes in the law may well be needed and does not intend that the changes made in this legislation should be interpreted as lessening the need for a thorough review of those provisions.

This legislation in no way affects any existing authority to deny admission to aliens on national security or foreign policy grounds, except insofar as the denials are based on political beliefs, political associations, or the expected content of speeches aliens intend to give in the United States. Nor does the committee provision affect any existing authority of the executive branch to deny admission to an alien who engages in terrorist activity, or who is a member of a terrorist organization as defined in the Foreign Intelligence Surveillance Act. (50 U.S.C. 1801).

VI. UNITED STATES INFORMATION AGENCY

Because of budgetary constraints the committee was unable to fund fully the President's request for any category in USIA. Certain programs—exchange-of-persons and Voice of America—were increased above last year's level but remain below the President's request. In order partially to make up for these increases, other programs including the "Worldnet" television service and exhibits were cut from last year's level.

A. The Voice of America

The Voice of America performs the important function of providing listeners with reliable and objectively reported news, as well as quality programming about the United States. The VOA performs a particularly important function in "denied" areas, such as the Iron Curtain countries, China, and parts of the Third World where information is relatively scarce. The VOA is less useful in areas where there is a competitive local radio system and where other free world radio services (BBC, Radio Australia, etc.) have established audiences. Also, since the VOA broadcasts primarily on shortwave, it is useful primarily in countries where shortwave receivers are commonly used.

In recent years, the VOA has chosen to make budget cuts by reducing broadcast hours, rather than by eliminating language services. As a result, some services broadcast as little as one hour, or even one-half hour, per day. Such infrequent broadcasts do not sustain an audience. Further, reduction of broadcast hours achieves relatively small savings since the broadcast infrastructure, including the personnel speaking the language, remain constant. By contrast, elimination of a language service could yield significant savings that then might allow remaining services adequate broadcast time.

The committee therefore recommends that VOA consider making any future cuts through the elimination of language services rather than by reducing broadcast hours. Services cut should be those outside denied areas, those where shortwave radio receivers are less common, where listenership is low, and where other free world services provide good coverage.

B. Educational and Cultural Exchanges

The committee continues to support the programs carried out by the Bureau of Educational and Cultural Affairs. The committee has underscored the importance it attaches to maintaining the separate and non-political character of bureau programs by providing the bureau with its own separate authorization.

The committee bill moves USIA's Arts America program into the Bureau of Educational and Cultural Affairs. The Committee believes this program is more compatible with the functions and charter of the bureau. The committee expects Arts America will be operated as its own office, with the program head reporting directly to the Associate Director for Educational and Cultural Affairs.

The committee takes note of the new program of professional exchanges within the Fulbright programs. The Committee believes persons selected for such exchanges should be chosen through a peer review panel and not by the Agency. Further, such exchanges should have substantial academic content. Finally, the committee believes funding of professional exchanges should not be at the expense of the regular Fulbright academic exchanges.

C. Worldnet

The committee bill reduces the budget for USIA's "Worldnet" television program from $30 million to $15 million. Worldnet is an experimental program which does not match up against those Agency programs with a proven record of achievement, such as the VOA and the exchange programs. Given budgetary constraints, the committee chose to make cuts in this experimental program—which has grown rapidly in recent years—rather than in established USIA programs.

Worldnet has two principal components: (1) the interactive video press conferences in which a newsmaker in Washington is interviewed by satellite by journalists in foreign cities, and (2) a passive feed of Agency-produced or acquired programming.

Parts of the inteactive programs are sometimes carried on the news programs of the foreign countries. These can be a valuable means of communication with foreign publics. The same result, however, can often be obtained by making the newsmaker available for interviews in Washington by the correspondents for foreign television networks. This approach involves no cost to the U.S. taxpayer and can result in better coverage since foreign networks are more likely to use interviews conducted by their own correspondents. While the committee supported prudent use of the interactive format, it also urges USIA to work equally hard to make newsmakers available to the Washington-based representatives of the foreign madia.

USIA's passive programming has very limited distribution abroad. The the extent it is carried at all, it is carried on limited subscriber cable systems. For example, Worldnet's passive programming is carried on the cable systems of a number of hotels in Sweden. Given the large number of channels on such cable systems and their very small audience, it is unlikely that the passive programming (which is in English) has any significant Swedish audience.

The production of passive programming can involve expenses running to the hundreds of millions of dollars. It is highly unlikely that such programming, perceived as U.S. government propaganda, will ever be carried by television stations and systems that enjoy significant viewership. Inevitably, passive programming also suffers from problems of quality. The committee budget for Worldnet therefore assumes little or no expenditure on passive programming.

The committee believes USIA has made greatly exaggerated claims about viewership of Worldnet, as well as about the alleged competition. More realistic presentations to the Congresss would held to ensure the careful consideration of the place of television in U.S. public diplomacy.

Finally, the committee notes that USIA's overseas posts have rated Worldnet as one of their least useful tools. A recent USIA survey of posts showed most Worldnet programs to be at the bottom of the list of Agency programs in terms of usefulness.

D. National Endowment for Democracy

The committee accepted an amendment offered by Senator Dodd, and co-sponsored by Senator Moynihan, to increase funding for the National Endowment for Democracy to $17.5 million. The committee concurs with Senator Dodd and Moynihan that the NED has done important work to promote democracy and respect for human rights in the Philippines, Chile, South Korea, Poland, South Africa, Northern Ireland, Cuba, and elsewhere.

Among other programs supported by NED is funding for the civilian democractic opposition in Nicaragua. With hundreds of millions of dollars having gone to the armed opposition, the Committee believe the United States certainly should assist the civilian democractic forces who remain in Nicaragua.

The committee has been particularly impressed by the work of the Endowment's political development institutes—the National Democractic Institute for International Affairs and the National Republican Institute for International Affairs. The institutes' role in organizing the international observer delegation to last year's presidential election in the Philippines received bipartisan acclaim and deserves special mention. The committee therefore recommends that grants be made available to the two institutes to the maximum extent possible.

VII. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

The U.S. Advisory Commission on Public Diplomacy is the successor to two similar commissions dating back nearly 40 years. The Commission, and its predecessors, were created in response to the justifiable concerns of the American people about any program of government-sponsored information.

The Commission is intended to be composed of distinguished individuals from a range of professions and disciplines outside government. To assure a full range of views, current law requires the Comission to be bipartisan with not more than four of the seven members coming from the same political party.

Genuine bipartisanship is the key to the effectiveness of the Commission's independent oversight function and to the credibility of its recommendations. Without a genuine diversity of political views—including those opposed to the administration—the Commission would serve no useful function. It would merely provide an echo for Administration policy.

In contrast to the policy of the previous administration, the Reagan administration has appointed minority party members who are political supporters of the administration. Thus one of the Democratic appointees was prominent in the "Democrats for Reagan" organization in both the 1980 and 1984 elections. He last supported the Democratic nominee for President in 1968 and has been a financial contributor to a range of Republican candidates in his own State. Another Democratic member appears to have been selected for his close association with Attorney General Edwin Meese. At best, only one of the three nominal Democrats supported the party's 1984 presidential nominee.

The Commission has suffered for not being the independent voice intended by Congress. Although USIA has been the subject of considerable controversy over favoritism in grants, the alleged blacklisting of speakers, nepotism, and the conduct of Agency management, the Commission largely ignored these issues.

The Commission has been sharply critical of congressional grant notifications—a key tool over the last 5 years to keep political bias and favoritism out of the grant-making process. Yet after levelling charges that the notification constituted " a legislative veto," Commission members were forced to admit to the late Senator Zorinsky that they had made their charge without examining a single questioned grant. The grant notification requirement, which has enjoyed strong bipartisan support, is continued in this year's legislation.

In order to secure the independent voice intended for the Commission, the committee bill changes the method by which the seven members are chosen. Two are to be chosen by the President, one each by the chairmen and ranking minority members of the House Foreign Affairs and Senate Foreign Relations Committees, and one jointly by the two chairmen. The President would still designate the Commission chairmen.

The new method of appointment will produce a Commission embracing a wide range of views as well as the genuine bipartisanship intended by the existing statute. This should do much to ensure genuine independent oversight of U.S. public diplomacy as well as to restore the credibility of Commission reports. Incidentally, under current circumstances, the new system would produce a partisan balance identical to the nominal balance of the current Commission, i.e., four Republicans and three Democrats.

The terms of the existing commissioners will expire on enactment and the reconstituted commission will begin functioning with the appointment of the first members. Aside from the change in the method of appointment and a requirement that the Commission also report to the Congress, the committee bill intends no other changes in the functions, responsibilities, and authorities of the Commission. The Committee expects the new commissioners, including the congressionally-appointed commissioners, to have the same staff resources, office space, facilitative assistance and per diem as the incumbent commissioners. The committee has high regard for the Executive Director of the current Commission, Mr. Bruce Gregory, and would expect him to be able to continue in office until the new commissioners are able to make a decision on the filling of this post in the manner prescribed in law.

The committee also has high regard for the individual commissioners, including Chairman Edwin Feulner. The Committee's desire for an independent and genuinely bipartisan commission should not be seen as reflecting adversely on the significant contributions of the current commissioners. Indeed, it is to be hoped that several of the commissioners will stay on the reconstituted commission as representatives of the administration.

VIII. THE EDWARD ZORINSKY MEMORIAL LIBRARY

The committee bill names the new USIA library in Jakarta, Indonesia after the late Senator Edward Zorinsky. Senator Zorinsky, a member of the Committee on Foreign Relations, was deeply interested in USIA and worked hard and successfully to correct management deficiencies.

Senator Zorinsky believed in the free exchange of ideas and people between the United States and other countries. He passionately believed USIA exchange programs should be open to all Americans and that there should be no party or ideological test for participation.

A library is the quintessential place for the free exchange of ideas. The new USIA library in Jakarta was opened as a result of an amendment offered by Senator Zorinsky. The committee therefore considers it most fitting that the library in the capital of the world's fifth most populous country be named in honor of Senator Edward Zorinsky.

IX. U.S. PREFERENCE REQUIREMENT

The committee adopted an amendment offered by Senator Dodd, and co-sponsored by Senators Kerry and Sanford, which recognizes the critical national security implications of the $1.3 billion Voice of America (VOA) modernization program. There can be no question about the role the VOA plays in advancing U.S. national security interests throughout the world. The committee believes that the continuity and effectiveness of the program would be jeopardized without the assurance of uninterrupted logistical support under all circumstances. Furthermore, the committee believes that the best way to protect the national security interests of the United States in this program is to ensure, to the extent practicable, that the equipment procured for this program is manufactured in the United States. Accordingly, the committee has included language in the bill that would accord a preference of 10 percent of the value of the bid to U.S. manufacturers or certain qualified U.S. joint ventures in cases where there are two or more qualified bidders.

The committee is concerned that U.S. companies which manufacture such equipment in the United States are at a competitive disadvantage relative to their foreign counterparts by virtue of the restrictions imposed by foreign governments on procurement of this type of equipment by government-owned or regulated entities. The preference accorded in this legislation to equipment sourced in the United States is both necessary and appropriate to offset the competitive disadvantage that U.S. companies suffer through the denial of access to equivalent procurement opportunities abroad.

The increased Buy American differential would apply only to purchases of equipment for all projects of the program manufactured in countries that do not offer fair competitive opportunities to U.S. manufacturers of such equipment.

X. BOARD FOR INTERNATIONAL BROADCASTING

The Board for International Broadcasting provides the funding and oversight for Radio Free Europe and Radio Liberty (RFE/RL, Inc.). The Radios serve as a surrogate home service to the peoples of Eastern Europe, the Soviet Union, and Afghanistan providing reliable information and news about developments in those countries and in the world.

Including the reallocation of previously authorized funds, the committee provided $174 million to the BIB, an increase from the fiscal year 1987 appropriations level of $140 million. The committee recognizes the difficult budgetary situation BIB faces because of the decline in the value of the dollar over the past years. The committee therefore provided the full BIB request for foreign currency rate adjustment. The committee-approved budget also includes $12 million earmarked for radio contruction.

XI. AFGHANISTAN

The committee bill includes a provision authored by Senator Pell expressing the continuing outrage of the Congress and the American people over Soviet conduct in Afghanistan. The Pell provision makes it the policy of the United States (1) to provide assistance to the Afghan people that will effectively enable them to resist the Soviets, (2) to support a negotiated end to the Afghanistan war providing for withdrawal of all Soviet forces within a timeframe based solely on logistical criteria, and (3) to communicate to the Soviet Government and people the necessity of Soviet withdrawal as a condition of better relations.

The committee language directs the President and Secretary of State to ensure that all assistance intended for the Afghan people reaches the proper recipients. The committee is deeply concerned by reports that a significant percentage of such assistance is being diverted or stolen before it reaches the Afghan people. Diversion of U.S. assistance can undermine the ability of the Afghan people to resist the Soviet invaders and therefore must not be tolerated. The committee urges the administration to make the effective provision of assistance a matter of the highest diplomatic priority.

XII. THE IRAN-IRAQ WAR

Because of the administration's program of covert arms sales to Iran, considerable confusion now exists about United States policy toward the Iran-Iraq War. The committee bill includes a provision, offered by Senator McConnell, and co-sponsored by Senators Pell, Boschwitz and Lugar, to articulate clearly a United States policy.

The committee language makes it the policy of the United States to support withdrawal of Iran and Iraq to recognized international boundaries, to support a cease-fire, and to encourage governments to refrain from supplying weapons to the party refusing to participate in negotiations. The policy articulated by the committee bill is the same as the policy widely understood to be that of the United States prior to revelations about Reagan administration arms sales to Iran.

The committee provision also urges a U.S. contribution to the special appeal of the International Committee of the Red Cross (ICRC) for prisoners of war. The United States, and in particular the members of the Armed Forces, have a strong stake in upholding international humanitarian law with regard to POW's. A contribution to the ICRC special appeal for Iran-Iraq POW's is an affirmation of our support for this part of international humanitarian law and is long overdue.

XIII. U.S. POLICY TOWARD SOUTH KOREA

The committee is deeply concerned over the lack of progress toward democracy in South Korea. While South Korea has made impressive progress in the economic, social, and cultural fields, political development has not matched these other fields.

Accordingly, the committee adopted a provision offered by Senators Cranston and Biden, calling on the Korean government to allow the election of President Chun Doo Hwan's successor through genuinely democratic means.

The necessary condition for a democratic transition in the Republic of Korea is an electoral system which gives the people of that nation confidence that the outcome of elections will reflect their will. The committee deplores the April 13, 1987 decision of the Chun government to abandon efforts to agree on meaningful constitutional reforms. The committee is concerned that he election arrangements proposed by the government will become a purely cosmetic exercise which could dash the hopes of millions of South Koreans and give rise to increased domestic unrest.

XIV. THE GLOBAL CLIMATE PROTECTION ACT OF 1987

The committee bill contains a title, offered by Senator Biden and co-sponsored by Senator Pell, to create a top-level executive branch task force to develop a government-wide strategy to respond to the threat of global warming.

Underscoring the international dimension of the problem, the legislation designates the Secretary of State as chairman of the task force. The task force mandate, in addition to conducting further study of all phenomena associated with global warming, is to develop within 12 months "specific recommendations for cooperative action to be undertaken with other nations." Three months following its completion, the President is to submit the strategy to Congress with specific recommendations for further legislative action.

The committee believes global warming should be a particular priority in United States-Soviet relations. As major consumers of fossil fuels, the superpowers are the largest producers of the atmospheric emissions that could produce global warming. With vast continental agricultural belts in the northerly latitudes, both are especially vulnerable to the climatic shifts that could result. Both nations, consequently, have a powerful obligation and interest in the global warming question.

The committee believes global warming is a potential environmental disaster on a scale only exceeded by nuclear war. Because the phenomenon affects all countries and because activities around the globe contribute to global warming, the problem can only be effectively addressed through international cooperation.

Committee Action

The following bills were referred to the Foreign Relations Committee and some or all of their provisions were consolidated into an original bill:

S. 740, a bill to amend the Board for International Broadcasting Act of 1973 and to authorize appropriations for fiscal years 1988 and 1989 for carrying out that Act.

S. 766, a bill to authorize appropriations for fiscal years 1988 and 1989 for the Department of State, and for other purposes.

S. 767, a bill to authorize appropriations for the United States Information Agency for fiscal years 1988 and 1989, and for other purposes.

The Foreign Relations Committee held five hearings on the above legislation:

On February 24, the committee heard Secretary of State George Shultz testify in connection with the State Department authorization request, as well as the Foreign Assistance Program.

On March 17, the committee conducted a hearing on authorization of appropriations for the United States Information Agency and the Board for International Broadcasting. Witnesses included the Honorable Charles Z. Wick, Director, USIA. Administration representatives on BIB request were the Honorable Malcolm S. Forbes, Jr., Chairman, BIB; the Honorable Ben Wattenberg, Vice Chairman, BIB; and the Honorable E. Eugene Pell, President, Radio Free Europe/Radio Liberty. Public witnesses on the USIA request were Norman Painter, President, AFGE Local 1812 and William Woessner, President, Youth for Understanding, representing the Liaison Group on International Education Exchange.

On March 19, the committee held hearings on the United States contribution to the United Nations. Witnesses appearing were the Honorable Vernon A. Walters, U.S. Permanent Representatives to the United Nations; the Honorable Alan L. Keyes, Assistant Secretary of State for International Organizations Affairs; and Dr. D.A. Henderson, Johns Hopkins University, testifying on behalf of the National Council on International Health and other associations.

On March 24, the committee conducted a hearing on the fiscal year 1988 authorization request for the Department of State and the National Endowment for Democracy. The Honorable Ronald I. Spiers, Under Secretary of State for Management, testified for the Department of State. Mr. Carl Gershman, President of the National Endowment for Democracy, testified for NED.

On April 30, the committee conducted closed and open hearings on the Moscow Embassy situation. Testifying in open session were the Honorable Ronald Spiers, Under Secretary of State for Management, and the Honorable Robert E. Lamb, Assistant Secretary of State for Diplomatic Security, accompanied by Richard Dertadian, Deputy Assistant Secretary for the Office of Foreign Buildings, and James Nolan, Director, Office of Foreign Missions.

On May 5, 6, 12, 14, and 15, the committee met to markup the legislation listed above. The chairman, Senator Pell, proposed a committee print, incorporating proposals of several members, to serve as the markup document.

On May 15, the committee voted 18-1 to report favorably an original bill. Ayes: Senators Pell, Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Adams, Moynihan, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell. Nay: Senator Helms.

During the course of the markup the following record votes were taken:

On May 6, a motion offered by Senator Adams to table the amendment offered by Senator Biden to strike a title in the bill concerning the ABM Treaty was adopted, 11-8. Ayes: Senators Pell, Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Adams, Moynihan, and Kassebaum. Nays: Senators Helms, Lugar, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell. (Senator Biden later withdrew that title by unanimous consent, and the same language has been ordered reported by the committee in the form of S. Res. 167.)

On May 6, an amendment offered by Senator Evans to strike the section concerning consular posts and diplomatic missions was rejected, 7–10. Ayes: Senators Lugar, Kassebaum, Boschwitz, Pressler, Trible, Evans, and McConnell. Nays: Senators Pell, Biden, Sarbanes, Cranston, Kerry, Simon, Sanford, Adams, Moynihan, and Helms.

On May 6, an amendment offered by Senator Kassebaum to strike the section regarding the Secretary of State's residence was rejected, 7–8. Ayes: Senators Sarbanes, Cranston, Dodd, Kerry, Helms, Kassebaum, and Pressler. Nays: Senators Pell, Biden, Simon, Sanford, Adams, Moynihan, Evans, and McConnell.

On May 6, an amendment offered by Senator Cranston to increase funding for the Asia Foundation was adopted, 16–2. Ayes: Senators Pell, Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Adams, Moynihan, Lugar, Kassebaum, Boschwitz, Murkowski, Evans, and McConnell. Nays: Senators Helms and Pressler.

On May 12, an amendment offered by Senator Boschwitz to strike the section establishing the position of Assistant Secretary of State for South Asian Affairs was adopted, 12–5. Ayes: Senators Sarbanes, Cranston, Simon, Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell. Nays: Senators Pell, Biden, Dodd, Sanford, and Moynihan.

On May 12, a substitute amendment offered by Senator Murkowski to the amendment offered by Senator Cranston concerning democracy in South Korea was rejected, 7–10. Ayes: Senators Helms, Lugar, Pressler, Murkowski, Trible, Evans, and McConnell. Nays: Senators Pell, Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Adams, and Moynihan.

On May 12, an amendment offered by Senator Cranston concerning democracy in South Korea was adopted, 13–5. Ayes: Senators Pell, Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Adams, Moynihan, Lugar, Kassebaum, and Evans. Nays: Senators Helms, Pressler, Murkowski, Trible, and McConnell.

On May 12, an amendment offered by Senator Murkowski expressing U.S. policy toward North Korea was adopted, 18–0. Ayes: Senators Pell, Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Adams, Moynihan, Helms, Lugar, Kassebaum, Pressler, Murkowski, Trible, Evans, and McConnell.

On May 12, an amendment offered by Senator Dodd concerning requirements for bidders on VOA transmitter projects was adopted, 19–0. Ayes: Senators Pell, Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Adams, Moynihan, Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell.

On May 12, an amendment offered by Senator Helms to strike the reorganization of the U.S. Advisory Commission on Public Diplomacy was rejected, 9–10. Ayes: Senators Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans and McConnell. Nays: Senators Pell, Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Adams, and Moynihan.

On May 12, an amendment offered by Senator Helms and Dodd clarifying that a U.S. Ambassador's authority over U.S. Government personnel under Section 207 of the Foreign Service Act of 1980 does not include members of Congress or their employees was adopted, 14–5. Ayes: Senators Biden, Sarbanes, Cranston, Dodd, Kerry, Pressler, Murkowski, Evans, and McConnell. Nays: Senators Pell, Lugar, Kassebaum, Boschwitz, and Trible.

On May 14, an amendment offered by Senator Helms requiring reimbursement by the Soviet Union for construction and demolition of the new chancery building was rejected, 4-13 with 1 voting present. Ayes: Senators Sanford, Helms, Pressler, and Trible. Nays: Senators Pell, Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Adams, Moynihan, Lugar, Boschwitz, Evans, and McConnell. Present: Murkowski.

On May 14, an amendment offered by Senator Helms requiring the Moscow Embassy demolition was rejected, 3-16. Ayes: Senators Helms, Pressler, and Trible. Nays: Senators Pell, Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Adams, Moynihan, Lugar, Kassebaum, Boschwitz, Murkowski, Evans, and McConnell.

On May 15, a motion offered by Senator Helms to strike Title IV-the Global Climate Protection Act was rejected, 9-10. Ayes: Senators Helms, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell. Nays: Senators Pell, Biden, Sarbanes, Cranston, Dodd, Kerry, Simon, Sanford, Adams, and Moynihan.

On May 15, a substitute amendment offered by Senator Pell to the amendment offered by Senator Evans regarding the Red Shield of David/Red Cross was rejected, 8-10. Ayes: Senators Pell, Sarbanes, Cranston, Dodd, Kerry, Sanford, Adams, and Helms. Nays: Senators Simon, Moynihan, Lugar, Kassebaum, Boschwitz, Pressler, Murkowski, Trible, Evans, and McConnell.

SECTION-BY-SECTION ANALYSIS

SECTION 1. SHORT TITLE

This section states that this Act may be cited as the "Foreign Relations Authorization Act, Fiscal Year 1988."

TITLE I—THE DEPARTMENT OF STATE

Part A—Authorization of Appropriations; Allocations for Funds; Restrictions

Section 101—Administration of foreign affairs

The Administration of Foreign Affairs category provides the necessary funds for the salaries, expenses and allowances of the officers and employees of the Department, both in the United States and abroad. It includes funds for executive direction and policy formulation, conduct of diplomatic relations with foreign governments and international organizations, domestic public information activities, central program services, and administrative and staff activities. This category also provides for representational expenses in accordance with Section 905 of the Foreign Service Act of 1980. Further, it authorizes funds for office space and living quarters for staff of United States agencies abroad; funds for relief and repatriation loans to United States citizens abroad and for other emergencies of the Department; and authorizes appropriations for buying power maintenance and protection of foreign missions and officials, and payments to the Foreign Service Retirement and Disability Fund and the American Institute of Taiwan.

The committee recommends $1,726,539,000 in new budget authority for fiscal year 1988 for the Administration of Foreign Affairs account, a cut of $61,038,000 from the fiscal year 1987 appropriated levels for the comparable accounts.

Line items within this account include: $1,599,600,000 for the Salaries and Expenses portion of the Diplomatic and Ongoing Operations programs; $17,839,000 for Diplomatic Allowances, Emergencies in the Diplomatic and Consular Service, and the Payment to the American Institute in Taiwan; $100,000,000 for the Salaries and Expenses account of the Diplomatic Security Program; and $9.1 million for the protection of foreign officials.

The committee also directed that $323 milion for the ongoing Acquisitions and Maintenance of Buildings Abroad be taken from funds ($417,962,000) already authorized under the Diplomatic Security Act of 1986. The committee further directed that $74,262,000 of those previously authorized funds be used for Salaries and Expenses of the Diplomatic Security Program. Finally, the committee directed that the remaining $20.7 million of the $417,962,000 authorized for fiscal year 1988 under the Diplomatic Security Act be used for other programs, pursuant to the committee's judgment that there should be a moratorium on funds for new construction projects.

DEPARTMENT OF STATE—ADMINISTRATION OF FOREIGN AFFAIRS—SUMMARY STATEMENT

[In thousands of dollars]

	1987 appropriation level	1988 authorization request	Reallocation of previously authorized funds	Committee mark New fiscal year 1988 authorization
Diplomatic and ongoing operations:				
Salaries and expenses	1,400,000	1,628,805		1,599,600
Acquisition and maintenance of building abroad	233,638	345,368	[1] 323,000	0
Representation allowances	4,460	4,500		4,460
Emergencies in diplomatic and consular service	4,000	4,500		4,000
Payment to the American Institute in Taiwan	9,379	10,000		9,379
Subtotal	1,651,477	1,993,173		1,617,439
Diplomatic Security Program:				
Salaries and expenses	127,000	231,654	[1] 74,262	100,000
Protection of foreign missions and officials	9,100	9,445		9,100
Subtotal	136,100	241,099		109,100
Total	1,787,577	2,234,272		1,726,539

[1] The committee bill provides that these funds shall be taken from those already authorized for fiscal 1988 under the Diplomatic Security and Anti-terrorism Act of 1986.

Note: (1) the Diplomatic Security and Anti-Terrorism Act of 1986 (P.L. 99-399) already authorized $417,962,000 for fiscal year 1988. (2) Sec. 24 of the State Department Basic Authorities Act provides permanent authority for the Foreign Service Retirement and Disability Fund.

Section 102—Contributions to international organizations and conferences; international peacekeeping activities

The committee authorized $571 million to International Organizations in accordance with he Administration's stated interest in restoring the full U.S. assessed contribution to the United Nations.

These funds were earmarked as follows: $193,188,000 for the United Nations, $63,857,000 for the World Health Organization, $31,857,000 for the International Atomic Energy Agency, $44,915,000 for the Organization of American States, and $38,659,000 for the Pan-American Health Organization. While thes funding levels will allow the United States to meet its assessed contributions in 1988, they are not sufficient to compensate for arrearages caused by the past withholding of the U.S. contribution.

The committee also authorized $29.4 million for International Peacekeeping Activities and $5,460,000 for International Conferences and Contingencies, the same levels appropriated in fiscal year 1987.

The committee authorized $5,460,000 for international confernces and contingencies, the same level appropriated in fiscal year 1987.

DEPARTMENT OF STATE—INTERNATIONAL ORGANIZATIONS AND CONFERENCES

[In thousands of dollars]

	1987 appropriation level	1988 authorization request	Committee mark New fiscal year 1988 authorization
Contributions to International Organizations	385,000	470,000	571,000
Contributions to international peacekeeping activities	29,400	30,000	29,400
International conferences and contingencies	5,460	6,000	5,460
Total	419,860	506,000	605,860

Section 103—International commissions

The committee authorized $29.2 million for international commissions, the same level appropriated in fiscal year 1987.

DEPARTMENT OF STATE—INTERNATIONAL COMMISSIONS

[In thousands of dollars]

	1987 appropriation level	1988 authorization request	Committee mark New fiscal year 1988 authorization
International Boundary Water Commission:			
Salaries and expenses	10,800	10,970	10,800
Construction	3,900	5,800	3,900
Subtotal	14,700	16,770	14,700
American Section:			
International Boundary Commission	720	805	720
International Joint Commission	2,980	3,983	2,980
Subtotal	3,700	4,788	3,700
International Fisheries Commissions	10,800	11,148	10,800
Total	29,200	32,706	29,200

Section 104—Migration and refugee assistance

The committee authorized $314,450,000 for refugee and migration assistance, the level of funding requested by the administration.

The committee accepted an amendment by Senator Cranston to earmark $25 million of this amount for assistance for refugees resettling in Israel. The committee also adopted an amendment offered by Senator Evans to earmark $28 million for refugees in East Asia.

DEPARTMENT OF STATE—REFUGEE PROGRAMS

[In thousands of dollars]

	1987 appropriation level	1988 authorization request	Committee mark: New fiscal year 1988 authorization
Refugee operations:			
Migration and refugee assistance	346,856	314,450	314,450
Emergency migration and refugee assistance	14,000	0	0
Total	360,856	314,450	314,450

Section 105—The Asia Foundation and other programs

The committee adopted an amendment, offered by Senators Cranston and Boschwitz, to authorize $15 million for the Asia Foundation, an increase from the fiscal year 1987 appropriated level of $8.8 million. Of this amount, $6.2 million is to be taken from funds previously authorized under the Diplomatic Security Act of 1986. This $6.2 million increase is intended to enhance the Asia Foundation's ability to promote the development of democratic institutions to Asia, such as the excellent work the Foundation has done in the Philippines, and to allow the Asia Foundation to open an office in the South Pacific region.

The committee also adopted an amendment offered by Senator Simon to authorize $5 million for Soviet-East European Research and Training, an increase from the fiscal year 1987 appropriated level of $4.6 million.

In addition, the committee authorized $1.9 million for Bilateral Science and Technical Agreements, the same level appropriated in fiscal year 1987.

DEPARTMENT OF STATE—ASIA FOUNDATION AND OTHER PROGRAMS

[In thousands of dollars]

	1987 appropriation level	1988 authorization request	Reallocation of previously authorized funds	Commitee mark: New fiscal year 1988 authorization
U.S. bilateral science and technical agreements	1,990	2,000		1,900
The Asia Foundation	8,800	9,671	[1] 6,200	8,800
Soviet-East Europe research and training	4,600	5,000		5,000
Total	15,300	16,671		15,700

[1] The committee bill provides that these funds shall be taken from funds previously authorized under the Diplomatic Security and Anti-Terrorism Act of 1986

Section 106—Reduction of capital construction account

This section reduces the level of funding authorized under the Diplomatic Security Act of 1986 for the Acquisition and Maintenance of Buildings Abroad in fiscal year 1988 from $417,962,000 to $397,262,000. The committee recommended that the difference between these two funding levels ($20.7 million) be distributed as follows: $6.2 million for the Asia Foundation; $2.5 million for the National Endowment for Democracy, and $12 million for the Board for International Broadcasting.

Section 107—Consular posts and diplomatic missions abroad

The committee prohibited any funds from being used to close U.S. consular posts and diplomatic missions unless (1) the United States has broken or downgraded relations with the relevant country, (2) there is a significant security threat at the post, or (3) the funds saved from the closing are to be used to open a higher priority consular post or diplomatic mission.

The committee also prohibited any funds from being used for any expense associated with the Bureau of Administration of the Department of State unless those consular posts or diplomatic missions closed after January 1, 1987 are re-opened.

Finally, of the funds authorized for the Administration of Foreign Affairs, the committee earmarked $500 million for the operation of U.S. consular posts in Salzburg, Strasbourg, Goteborg, Lyons, Dusseldorf, Tangier, Genoa, Nice, Porto Alegre, and Maracaibo. Of this amount, funds in excess of those needed to operate these consular posts may be used for other purposes within the Administration of Foreign Affairs category if all consular posts named in this section are open and functioning.

Section 108—Contribution to the regular budget of the International Committee of the Red Cross

This section requires that the U.S. contribution to the International Committee of the Red Cross should be at least 20% of the ICRC's regular budget, except that the contributions shall not exceed fiscal year 1987 levels until Israel's Red Shield of David has been granted the identical status of recognition as the Red Cross and the Red Crescent.

This section also allows funds authorized for the Migration and Refugee Assistance account for fiscal year 1988 to be reprogrammed for other purposes within that same account if the requirements of the designated programs are fully met.

It is the committee's intent that this restriction apply only to the U.S. contribution to the regular budget of the ICRC.

Section 109—Restriction on use of funds for public diplomacy efforts

This provision, offered by Senator Kerry, prohibits the State Department from entering into contracts or purchase orders for the provision of a variety of public relations activities, except within the Bureau of Public Affairs. It limits the Bureau's ability to contract out for such services to $389,000 annually.

The provision was adopted to prevent the recurrence of abuses in the issuance of contracts for public relations activity by the State Department, such as apparently took place in connection with contracts involving International Business Communications (IBC), whose activities remain under investigation by federal law enforcement agencies charged with reviewing the Iran-Contra affairs.

The provision is intended to discourage attempts to privatize State Department public affairs activities. It recognizes the need of State for some flexibility and therefore allows State to contract, through competitive public bids, up to $389,000 annually in the Bureau of Public Affairs.

International Business Communications received two contracts and a number of "purchase orders" from the State Department's Office of Public Diplomacy for Latin America, created to "improve public understanding" in the area of Central American policy. While prohibited by statute from engaging in lobbying or propaganda activity, the Office of Public Diplomacy for Latin America viewed its mission as permitting the drafting of op-ed pieces for placement in U.S. newspapers, arranging meetings between members of the Nicaraguan "contra" or "resistance" movement and legislators, and similar public relations activities. It has been alleged that contracts between State and IBC issued by the Office of Public Diplomacy for Latin America supported military supply operations for the contras and such allegations are currently under investigation by Independent Counsel Walsh. All told, IBC received more than $420,000 from these contracts and purchase orders from 1984 through 1986.

The contracts were ostensibly issued for authorized purposes. However, the Department of Justice has released documents to the Senate Intelligence Committee containing statements by Lt. Col. Oliver North of the National Security Council to the FBI in July 1985 describing IBC as under contract to State for the purpose of soliciting funds for the contras. At the time, this purpose was neither authorized under the contracts nor legally permissible for any State Department contract.

On March 24, 1987, Senator Kerry requested information from the State Department regarding these contracts and purchase orders. To date, the State Department has been unable to answer most of the questions posed. Unanswered questions include what services were actually performed under the contracts, what led to various irregularities in the contracts' issuance, and many other issues regarding these contracts and alleged improprieties in connection with these contracts.

The committee recognizes that private contractors are inherently uncontrollable and that a system that relies increasingly on them is likely to be subject to abuse and less subject to oversight. The committee believes the Department of State should not have entered into contracts with entities or individuals outside the control of the Department for the provision of services which the Department could have performed itself, and urges the Department not to do so in the future.

The committee further believes that the State Department has failed to meet its obligation to the committee to provide it with adequate information to enable it to exercise oversight in regards to these contracts. The responses provided to the committee to date in response to questions about these contracts are clearly inadequate. The committee particularly regrets the inability of the State Department to provide the committee with any information regarding what services were actually performed by IBC for State.

The committee understands that the Department of State Inspector General has undertaken a review of the circumstances regarding these contracts. The committee hopes that this review will result in State Department tightening its procedures to ensure future accountability and to prevent a recurrence of the situation that developed with IBC.

The committee particularly hopes that the Department will not again advise the committee, as it did in this case, that it is unable to provide the committee with any answer to the simple question as to what services were provided by a private company with public funds.

The committee believes that further restrictions on the disbursement of funds to the State Department may become appropriate to the extent that State proves unable in the future to provide adequately detailed information to the committee as to how past funds have actually been spent.

PART B—ADMINISTRATIVE AND PERSONNEL PROVISIONS

Section 111—Restriction on supervision of government employees by Chiefs of Mission

This provision, offered by Senators Helms and Dodd, amends Section 207 of the Foreign Service Act of 1980 to clarify that the supervisory authority of the Chief of Mission to a foreign country is limited to employees of the Executive Branch and does not include members or staff of the Legislative or Judicial Branches.

Section 112—Pay level of Ambassadors-at-Large

This section reduces the salary of future ambassadors-at-large from executive level II to level IV, that is, from the equivalent of the Deputy Secretary to the equivalent of an Assistant Secretary.

Section 113—Compensation

This section establishes a pay authority for the Director of the International Communications Policy Bureau and for the Director of the Office of Foreign Missions. These positions were established by Public Law 98-164 (97 Stat. 1017). Both of these positions require Senate confirmation and involve duties at the Executive IV level. Pay would be set at this level for both positions.

Section 114—Extension of limited appointments

This section specifies exceptions to the 5-year limitation on the duration of limited appointments governed by section 309 of the Foreign Service Act of 1980.

This section allows agencies making appointments under the Foreign Service Act of 1980 to extend non-career candidate appointments in four categories: (1) consular agents, (2) family members, (3) career employees of other agencies serving abroad on reimbursable detail in Foreign Service positions, and (4) cases where extensions are appropriate in order to remedy a problem cognizable under the Foreign Service grievance system.

Section 115—Repeal of Office of Policy and Program Review

This provision repeals the requirement to establish the Office of Policy and Program Review that was established pursuant to subsection (b) of Section 413 of the Diplomatic Security Act of 1986.

Section 116—Carry-over of Senior Foreign Service performance pay

This section exactly parallels a provision added to 5 U.S.C. 5383 by public law 98-615 regarding the Senior Executive Service (SES) of the Civil Service. The purpose of this provision is to allow eligible officers in the Senior Foreign Service (SFS) to receive the full performance benefits authorized by the Congress without exceeding in any one year the statutory limit for combined base pay and performance pay/presidential awards.

Section 117—Survivor and health benefits for certain former spouses

This section provides survival annuities and access to health insurance coverage to former spouses who were divorced from members of the Foreign Service before the effective date of the Foreign Service Act of 1980. That Act protects those spouses who become divorced after its effective date of February 15, 1981, but was not made retroactive. By extending similar benefits to spouses not covered by the 1980 Act, this provision will ease the plight of a closed group of less than 100 former spouses who have supported the U.S. Government through service with their former spouses at posts abroad. This section parallels the 1987 authorization act for the Intelligence Community, which retroactively extended these same benefits to former spouses of CIA employees.

Section 118—Retirement benefits for certain former spouses

This provision, offered by Senator Kassebaum, adds Section 832 to Chapter 8 of the Foreign Service Act of 1980 in order to extend retirement benefits to former spouses who were divorced from members of the Foreign Service before the effective date of the 1980 Act.

This provision will ease the plight of a closed group of less than 100 former spouses who have supported the U.S. Government through service with their former spouses at posts abroad.

Section 119—Elimination of unnecessary reporting requirements

This section repeals a series of reporting requirements associated with the Foreign Service Act of 1980 and related provisions of Foreign Relations Authorization Act for fiscal year 1986 and fiscal year 1987. The committee determined that the information provided by the specified reports was either available through other means or no longer relevant.

Section 120—Clarification of Jurisdiction of Foreign Service Grievance Board

This provision, offered by Senator Sarbanes, is intended to reaffirm and clarify the authority of the Foreign Service Grievance Board.

Subsection (a) of section 120 is intended to remove the authority of an agency head to reject a recommendation of the Board if the agency head believes such a recommendation is contrary to law. Under this provision, if an agency head charges that a recommendation of the Grievance Board is contrary to law, the agency head would be required to implement the recommendation and seek judicial review as an aggrieved party under Section 1110 of the Foreign Service Act of 1980. Subsection (a) does not affect the Secretary of State's authority to reject a recommendation of the Grievance Board if the Secretary determines that the decision would adversely affect foreign policy or national security. This provision gives the Foreign Service Grievance Board the same authority to have its decisions implemented as the Civil Service's Merit Systems Protection Board currently holds.

Subsection (b) of section 120 is intended to cross-reference the Grievance Board's procedures and authority under Chapter 11 of the Foreign Service Act of 1980 with its responsibility to decide separation-for-cause cases under section 610 of the Act. The language in the 1980 Act referred only to the Board's section 1106 procedural authority. As a result, the Board, for example, has not been able to award attorney fees in section 610 cases.

Subsection (c) provides that this amendment to the 1980 Act shall be effective on the date of its enactment and shall not apply to any grievance based on conduct occurring before the date of enactment of this act.

Nothing in section 120 is intended to reduce or adversely affect any right or protection that an employee currently has under Chapter 11 or Section 610 of the Foreign Service Act of 1980 or the authority possessed therein by the Board.

Section 121—Protection of Civil Service career employees

This provision, offered by Senator Helms, sets forth a congressional finding that the Department of State has overlooked the contributions of Civil Service employees and that greater equality of promotion, training, and career enhancement opportunities should be accorded to the Civil Service employees of the Department. To this end, the provision requires the Secretary of State to take all appropriate steps to assure that the burden of cuts in the Department's budget do not fall disproportionately or inequitably upon its Civil Service employees.

To ensure the equitable treatment of Civil Service employees, the provision establishes in the Office of the Secretary of State the position of Ombudsman for Civil Service Employees. The Ombudsman for Civil Service Employees shall report directly to the Secretary of State and shall have the right to participate in all Management Council meetings to assure that the ability of the Civil Service employees to contribute to the achievement of the Department's mandated responsibilities and that the career interests of those employees are adequately represented.

Section 122—Compensation of Fascell Fellows

This section is intended to clarify the original intent of Title X of Public Law 99-399 that Fascell Fellows could either be appointed on limited Foreign Service appointments, or on a contractual basis. Under this amendment, limited Foreign Service appointments would be subject to all laws and regulations governing Federal employees. Compensation under a contractual arrangement, however, would be governed by Section 2(c) of the State Department basic Authorities Act, concerning personal service contracts. Direct hiring and contract authority would not be mixed for any one individual.

Section 123—Competence and professionalism in the conduct of foreign policy

This section declares that the United States should establish the fundamental goal of strengthening competence and professionalism in the conduct of foreign policy. To accomplish this goal the Secretary of State should, subject to the availability of funds and reprogramming requirements, proceed with plans to design the New National Training Center in Foreign Policy authorized by Public Law 99-93 and Public Law 99-167

PART C—BUILDINGS AND FACILITIES

Section 131—Preservation of museum character of portions of Department of State building

This section provides authority and a statutory mandate for the Secretary of State, with the guidance of the Department of State's Curator of the Diplomatic Reception Rooms, to preserve the historic style and quality of designated areas of the Department of State building. It is similar to Public Law 87-286 (75 Stat. 586) which is the basis for preserving the museum character of the White House.

This section also authorizes the Secretary, with the advice and concurrence of the Director of the National Gallery of Art, to sell items which are not needed and trade or purchase articles which enhance the museum character of the rooms.

Section 132—Authority to insure the furnishings of State Department diplomatic reception rooms

This section gives the Department of State the same authority to insure items purchased for the State Diplomatic Reception Rooms as it now has to insure items that are loaned or donated.

Section 133—Financial reciprocity with foreign countries

This provision, offered by Senator Helms and modified by Senator Evans, sets forth a congressional finding that the cost of operating United States missions in the Soviet Union has been raised to excessive levels by the imposition of artificially high exchange rates which bear no reasonable relationship to the value of the Soviet ruble on any free world market. The committee believes it is time these imbalances are corrected and reciprocity ensured.

Therefore, this provision requires the Secretary of State to determine, and so report to Congress, the extent to which the costs of operating United States diplomatic consular posts in the Soviet Union, or any other member of the Warsaw Pact, are unreasonable. In the case of any country in which the United States operating costs are determined not to bear a reasonable relationship to the free market value of currency or to comparable costs paid by other entities, the Secretary shall take reciprocal actions against that country.

Section 134—The New Soviet Embassy

This section, offered by Senator Pell, prohibits the Soviet Union from occupying (including making use of any communication equipment or electronic surveillance equipment) the new chancery building at its new embassy complex on Mount Alto in Washington, DC, or any other new facility in the Washington, DC, metropolitan area until the Secretary of State and the Director of Central Intelligence certify to the Speaker of the House of Representatives and the chairmen of the Committee on Foreign Relations and the Select Committee on Intelligence of the Senate that there is a new United States Chancery building in Moscow which is secure and suitable for United States embassy operations, including operations involving classified information.

Section 135—Embassy security

This provision, offered by Senators Pell, Lugar, Murkowski, Boschwitz, and Kerry requires the Secretary of State:

> To provide by August 31, 1987, a complete list of options for the disposition of the new Moscow Chancery building together with the costs of each option and a recommendation;
>
> To set up a task force on the management of security in foreign buildings by the Department of State. The task force is to be chaired by the Secretary of State with the Director of Central Intelligence as Vice-Chairman and is charged with devising a program by August 31, 1987 for improving the management of the Security and Embassy construction functions of the State Department. The report accompanying the program is to include any recommendations for the reorganization and consolidation of the security and foreign buildings functions.
>
> To report on whether it would be in the U.S. national interest to vitiate the agreement by which the Soviets will move into a new building complex on Mount Alto;
>
> To provide, as part of the required report on Mount Alto, an assessment of the intelligence benefit gained by the Soviets by use of the Mount Alto site and of counter measures that might be taken. In addition, the report is to include a description of personnel, housing and other resources available to each country in the other's capital with a view to establishing parity.
>
> To establish an accountability review board to review the Moscow Embassy security breaches and to investigate all cases of serious intelligence breaches;
>
> To certify that new facilities to be constructed will adequately safeguard classified material;

To consider the sense-of-the-Congress language that there be periodic inspections of security abroad;

To require a review by December 31, 1987 of diplomatic and consular posts in the USSR and Eastern Europe and to certify, together with the DCI, that they are adequate for the protection of classified material and personnel or, alternatively, to explain why the certification cannot be made. The same review and certification is to be made for all high-threat posts by December 31, 1988.

Section 136—Official residence for the Secretary of State

This section amends the Department of State Basic Authorities Act of 1956 to authorize the Department of State to acquire, by purchase or gift, a suitable permanent residence within the District of Columbia for the Secretary of State. This section prohibits the use of appropriated funds to acquire such a property. The committee recognizes that the costs associated with the installation of the required security systems in each new Secretary's home are substantial. The acquisition of a permanent residence would enable the Department to install the necessary security systems in order to eliminate these recurring costs to the U.S. Government.

Section 137—Prohibition on the use of funds for facilities in Israel, Jerusalem, or the West Bank

This section prohibits any of the funds authorized by the Foreign Relations Authorization Act of fiscal year 1988 from being obligated or expended for site acquisition, development, or construction of any diplomatic or consular facilities in Israel, Jerusalem, or the West Bank.

PART D—INTERNATIONAL ORGANIZATIONS

Section 141—Reform in the budget decision-making procedures in the United Nations and its specialized agencies

This provision, offered by Senator Kassebaum, contains a congressional finding that the consensus-based decision-making procedure established by General Assembly Resolution 41/213 is a significant step toward complying with the intent of Section 143 of the Foreign Relations Authorization Act of Fiscal Years 1986 and 1987 (22 U.S.C. 287e note; 99 Stat. 405).

This section gives the President the authority to provide 40% of the funds available for the assessed U.S. contribution to the United Nations on or after October 1, 1987.

Another 40% may be made available on or after December 15, 1987 if the President reports to the Congress that the consensus-based decision-making process established by General Assembly Resolution 41/213 is being implemented.

The final 20% of the United States assessed contribition may be made available 30 days after the President has reported to the Congress, unless the Congress passes a joint resolution, under expedited procedures, prohibiting such payment.

Finally, this section requires that the United States shall not pay more than 20 percent of the total budget of any of the specialized U.N. agencies unless the President reports to the Congress that such agency has made substantial progress toward adopting and implementing budgetary reforms to strengthen financial responsibility.

Section 142—Immunities for the International Committee on the Red Cross

This section adds a new section 12A to the International Organizations Immunities Act. The new section classifies the Red Cross as a public international organization and extends to it the associated diplomatic privileges and immunities under the Act.

Section 143—Israel's participation in the economic and social council of the United Nations

This section bars U.S. participation in ECOSOC until Israel is permitted to participate fully.

Section 144—Appointment of Secretaries to the North Atlantic Assembly delegations

This section requires that the Secretaries of the Senate and House Delegations to the North Atlantic Assembly be appointed, respectively, by the chairman of the Senate Committee on Foreign Relations and the chairman of the House Committee on Foreign Affairs. The purpose of the section is to ensure continuity in the staffing of congressional delegations to this key interparliamentary organization.

Section 145—Protection of Tyre by the United Nations Interim Force in Lebanon

This section directs the Secretary of State to seek a broadening of the UNIFIL Mandate in Southern Lebanon to include protection of the archaelogical site at Tyre.

TITLE II—THE UNITED STATES INFORMATION AGENCY

Section 201—Authorization of appropriations; allocations of funds

The committee authorized $377 million in fiscal year 1988 for the salaries and expenses account of the United States Information agency. Of these funds, not more than $15 million are available for the Television and Film Service, including Worldnet, and not more than $2 million are available for exhibits.

Section 202—Voice of America

In addition to the funds authorized in section 201, the committee authorized $180 million for fiscal year 1988 for the Voice of America. Of this amount, $10 million was earmarked for the "Voice of America: Cuba Service."

Section 203—Bureau of Educational and Cultural Affairs

The committee authorized $185 million for fiscal year 1988 for the Bureau of Education and Cultural Affairs. Programs funded under this account were earmarked as follows: $93 million for the Fulbright Academic Exchange Program, $39 million for the International Visitors Program, $5,250,000 for the Hubert H. Humphrey Fellowship Program, $2 million for the Congress-Bundestag Exchange, $5 million for the Arts America Program; and $300,000 for books and materials to complete the collections at the Edward Zorinsky Memorial Library in Jakarta, Indonesia. In addition, the committee accepted an earmark offered by Senators Adams and Evans to provide $500,000 for the Seattle Goodwill Games Organizing Committee for Cultural Exchange.

The committee also accepted an amendment by Senator Simon to earmark $2 million of the funds authorized by various exchange programs for exchanges with the Soviet Union. Funds earmarked for the Fulbright and International Visitor Programs may be used for such exchanges provided the exchange is consistent with the requirements of these programs.

Section 204—National Endowment for Democracy

The committee adopted an amendment offered by Senator Dodd and co-sponsored by Senator Moynihan to earmark $17.5 million for the National Endowment for Democracy. Of this amount, $2.5 million is authorized to be taken from funds previously authorized under the Diplomatic Security Act of 1986.

Section 205—East-West Center

The committee authorized $20 million for fiscal year 1988 for the East-West Center.

UNITED STATES INFORMATION AGENCY

[In thousands of dollars]

Appropriations	1987 appropriation level	1988 authorization request	Reallocation of previously authorized funds	Committee mark new fiscal year 1988 authorization
Salaries and expenses [1]	370,684	420,198		377,000
VOA	164,736	183,271		170,000
VOA: Cuba Service	11,250	12,652		10,000
Radio construction: current appropration and 1988 request	66,000	90,000		0
Educational and Cultural Exchange Programs [2]	181,625	190,736		185,000
East-West Center	20,000	20,000		20,000
National Endowment for Democary	15,000	25,000	2,500	15,000
Total	829,295	941,857		777,000

[1] Exclusive of Voice of America and Exchange Bureau salaries and expenses.

[2] Includes the Arts America Program.

[3] The committee bill provides that these funds shall be taken from the funds previously authorized under the Diplomatic Security and Anti-Terrorism Act of 1986.

Section 206—Posts and personnel overseas

This section seeks to bar the closing of Agency posts overseas (except under special circumstances) by prohibiting the use of authorized funds to pay for post closings.

This section also prohibits any funds from being used to pay for any expenses associated with the Bureau of Management or the Television and Film Services if a USIA post is closed after April 1, 1987 and not re-opened within 90 days of enactment.

Exceptions are provided where post closings are made for security reasons, because of the downgrading of diplomatic relations with the host country, or to provide funds for opening higher priority posts.

This section also bars USIA from reducing overseas American positions until the fraction of American employees stationed in the United States has been reduced to the 1981 level. This is intended to reverse the trend toward a reduced presence overseas.

Section 207—The Arts American Program

This section transfers USIA's Arts America Program into the Bureau of Educational and Cultural Affairs, and brings it under the scope of the Bureau charter.

Section 208—Congressional grant notification

This seciton continues, for another two years, the existing grant notification requirement for certain USIA grants.

Section 209—Forty-year leasing authority

This seciton grants the VOA the authority to enter into 40-year leases for real property whenever necessary to carry out the purposes of Title V of the United States Information and Educational Exchange Act of 1948, as amended. Under existing law USIA is limited to 25 year leases.

Section 210—Receipts from english teaching, library, motion picture, and television programs

This section gives USIA authority to retain receipts from the rental of English teaching tapes and programs, library services, television programs, and motion pictures.

Section 211—Professorship on constitutional democracy

This provision, offered by Senators Lugar and Trible, directs the President to foster the teaching of constitutional democracy at the Santo Tomas University in the Republic of the Philippines by supporting at such university, under Section 102(b)(4) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(4)), a professorship on the subject of constitutional democracy, if such a professorship is established by the university.

Section 212—United States-India Fund

This provision will permit the principal set aside for the fund, as well as the interest earnings, to be used in accordance with the Education and Scientific Cooperation Agreement, signed on January 7, 1987.

Section 213—United States-Pakistan Fund

This section provides authority to use up to $598,176 in United States owned rupees to finance the United States-Pakistan Fund.

Section 214—United States Information Agency programming on Afghanistan

This provision, offered by Senator Boschwitz, reaffirms the stated policy of the United States to "recognize the high importance both of keeping the Afghanistan story on the world's front page and of getting the message of our admiration and support across to the

Afghan people." To further this objective, this provision requires the Director of the United States Information Agency to implement and submit to Congress a formal, comprehensive plan on Afghanistan, based on the guidelines set forth in the USIA country plan instruction for fiscal year 1988.

Section 215—United States Advisory Commission on Public Diplomacy

This section updates the statutory authority for the United States Advisory Commission on Public Diplomacy to reflect changes made as a result of the 1977 reorganization of USIA and alters the method by which Commission members are chosen. Instead of having the President select all members of this bipartisan advisory Commission, the committee amendment provides that the seven members will be chosen as follows: two members selected by the President, one member each selected by the chairman of the Senate Foreign Relations Committee, the chairman of the House Foreign Affairs Committee, and the ranking minority members of each committee. A seventh member would be selected jointly by the two committee chairmen. The President designates the chairman, and the chairman selects the Commission staff director with the concurrence of at least five Commission members.

Section 216—The Edward Zorinsky Memorial Library

This section names the new USIA Library in Jakarta, Indonesia after Senator Zorinsky. The Library was opened as a result of legislation authored by Senator Zorinsky.

Section 217—Contractor requirements

This section was offered as an amendment by Senator Dodd, and was co-sponsored by Senators Kerry and Sanford, to create a strong American preference for projects undertaken through the facilities modernization program of the Voice of America. This preference is desirable because of the unprecedented size and expense of the modernization program and because, during any time of world crisis, national security will be enhanced by having U.S.-manufactured transmitters, antennas and other electronic components for which the United States can ensure an uninterrupted supply of equipment and spare parts.

To be considered an American contractor, a firm must meet the following conditions:

The firm must be incorporated or organized under U.S. law, which includes Federal, State, District of Columbia, and local laws.

The firm must have its principal place of business in the United States.

The firm must have been incorporated or legally organized in the United States for more than 5 years before the date that an invitation for a bid or a request for proposal is issued for a capital project. This provision is intended to ensure that a firm has been incorporated in the United States long enough to establish a record of reliability, quality, and on-time performance. Some length of business provision is necessary to establish this qualification, as many construction projects require 3 or more years for completion.

The firm must have achieved a total business volume in 3 of the previous 5 years at least equal to the value of the project being bid. The previous two requirements will help ensure that a firm is technically capable to carry out a given project.

A firm must employ U.S. citizens in more than half of its permanent full-time positions in the United States, and will employ U.S. citizens in 80 percent of the primary contractor supervisory positions on the site of the capital project up for bid. This requirement is meant to exclude foreign-owned "shell company" operations, where a foreign-owned U.S. company bids on a job, is awarded a contract, and then "subcontracts" the job to its foreign parent, which then performs all of the actual work.

The firm must have existing technical and financial resources in the United States to perform the contract. This requirement is intended to exclude foreign-owned U.S. companies which lack the inherent capabilities within their U.S. organizations to perform the contracting being bid.

With respect to this preference, the committee has provided an exception in certain narrowlydrawn circumstances. These exceptions are to be applied not to the program as a whole, but rather to the individual projects for which particular bids or bidding opportunities are being provided. The first exception would void the American preference requirement where a bilateral agreement with a foreign country explicitly precludes such a preference. The Committee does not intend that this exception should apply to the Government Procurement Code under the General Agreement on Tariffs and Trade because that agreement is a multilateral compact which has an explicit exception for national security interests which the committee believes is applicable to this case.

Also, this exception is meant to apply only to those portions of that project covered by the bilateral agreement, not to the project in its entirety. For example, should a foreign country require that a certain percentage of a project be performed by its nationals, only the portion of the project necessary to fulfill the agreement will be exempted from the American preference provisions. Should the foreign country require that its nationals perform the construction portion of a project, the other phases of the projects, such as the design of transmitters and antennas, will not be exempted from the American preference provisions.

A second exception would allow the American preference to be voided with respect to those foreign bidders that can establish that their national governments permit open, competitive and nondiscriminatory bidding on procurement for their national public radio and television sector or to the private radio or television sector where that sector or sectors are government-owned, regulated or otherwise controlled. It is intended that in applying this provision, the Director of the U.S. Information Agency would rely on the advise of the U.S. Trade Representative (USTR), who would review any information available to determine whether the foreign country in question provides open, competitive and nondiscriminatory bidding.

Among the factors to be considered in making this determination, with no single factor being dispositive, and whether the national radio and television networks of the country in question are free to, and in fact do, make significant purchases of U.S.-manufactured equipment. For an exemption to be granted under this provision, this determination must be made with respect to all the national radio and television networks of the country whose manufacturers could have responded to the invitation to bid or request for proposal on a specific project of the modernization program. In those cases in which an affirmative determination is made to apply this exception, the American preference would have no effect with respect to that foreign bidder.

The Committee believes that, given fair and appropriate treatment for American manufacturers arising out of this language, more interest would be shown by the American private sector.

TITLE III—THE BOARD FOR INTERNATIONAL BROADCASTING

Section 301—Authorization of appropriations; allocation of funds

The committee authorized $162 million in new budget authority for the Board for International Broadcasting. The Committee accepted an amendment offered by Senator Kerry directing that $12 million of the funds previously authorized under the Diplomatic Security Act of 1986 be used for radio BIB transmitter construction and modernization.

BOARD FOR INTERNATIONAL BROADCASTING

[In thousands of dollars]

Federal appropriation	1987 appropriation level	1988 authorization request	Reallocation of previously authorized fund	Committee mark. new fiscal year 1988 authorization
Board for International Broadcasting. Administrative expenses	1,168	1,237		1,237
Grants to RFE/RL Inc.:				
Operating expenses	120,485	133,158		133,158
Transmitter modernization	18,347	41,948	[1] 12,000	0
Foreign currency supplementals and rate adjustment		27,230		27,605
Totals	140,000	203,573		162,000

[1] The committee bill provides that these funds shall be taken from those already authorized for fiscal year 1988 pursuant to the Diplomatic Security and Anti-Terrorism Act of 1986

Section 302—Currency gains

This section amends Section 8(b) of the Board of International Broadcasting Act of 1973 to require that any gains resulting from upward fluctuations in foreign currency exchange rates shall be certified to the Congress and placed in reserve for the exclusive purpose of offsetting future downward fluctuation in foreign currency exchange rates.

Section 303—Certification of certain creditable service

This provision relieves the Board for International Broadcasting from having to certify employee service records where it does not have access to such records.

TITLE IV—THE GLOBAL CLIMATE PROTECTION ACT OF 1987

This title to the bill, offered by Senator Biden, and co-sponsored by Senator Pell, creates and intergovernmental task force, chaired by the Secretary of State, to devise a U.S. Government strategy to deal with the threat posed by global warming.

Section 401—Short title

This section establishes that Title IV may be cited as the "Global Climate Protection Act."

Section 402—Findings

This provision contains a Congressional finding that there exists compelling evidence that manmade pollution—the release of carbon dioxide, chlorofluorocarbons, and other toxic gases into the atmosphere—may be producing a long-term and substantial increase in the average temperature on Earth, a phenomenon known as global warming. Combating this problem will require vigorous international efforts with strong U.S. leadership.

Section 403—Task Force on the Global Climate

This section requires the President to establish a Task Force on the Global Climate to oversee the development and implementation of a national strategy to combat global warming. The Task Force is to be composed of the Secretary of State, who shall serve as Chairman; the Administrator of the Environmental Protection Agency, who shall serve as Vice Chairman and Executive Director for Research; the Chairman of the National Academy of Sciences; the Administrator of the the National Academy of Sciences; the Administrator of the National Aeronautics and Space Administration; the Administrator of the National Oceanic and Atmospheric Administration; the Administrator of the Agency for International Development; the heads of other appropriate Government agencies; and other persons knowledgeable about the problems of global warming, as the Chairman and Vice Chairman may determine. The chairman and ranking minority members of the Committee on Foreign Relations and the Committee on Environment and Public Works of the Senate, and the Committee on Foreign Affairs and the Committee on Energy and Commerce of the House of Representatives shall serve as advisors to the Task Force.

The Task Force is directed to develop and transmit to the President a strategy for protecting the global climate.

Section 404—Report to Congress

This provision requires that not later than three months after the receipt of the strategy on the global climate described in section 403, the President shall submit such strategy to the Speaker of the House of Representatives and the chairmen of the Senate Committees on Foreign Relations and on Environment and Public Works, together with recommendations for further legislative action.

Section 405—Ambassador-at-Large

This section creates the position of an Ambassador-at-Large to coordinate and lead the participation of U.S. Government agencies in various multilateral activities relating to global warming, including United States participation in planning for the International Geosphere-Biosphere Program scheduled for the early 1990's.

Section 406—International Year of Global Climate Protection

This section directs the Secretary of State to take all necessary steps to promote, within the United Nations system, the early designation of an International Year of Global Climate Protection.

Section 407—Climate protection and United States-Soviet relations

This section urges the President to make the problem of climate protection a high priority on the agenda of United States-Soviet relations.

TITLE V—MISCELLANEOUS PROVISIONS

Section 501—Enforcement of Case Act requirements

This provision is intended to enforce compliance with the Case-Zablocki Act. The Case-Zablocki Act requires that international agreements other than treaties (i.e. executive agreements) entered into by the United States be transmitted to the Congress within 60 days after entry into force. However, during 1986, 65 Executive Agreements were transmitted after the 60-day period had expired. In order to enforce compliance with the requirements of the law, the committee bill prohibits funds from being spent pursuant to any agreement that has not been transmitted to the Congress within the 60-day period until such time as the text of the agreement is transmitted.

Section 502—Federal jurisdiction of direct actions against insurers of diplomatic agents

This provision, offered by Senator Sarbanes, clarifies the intent of Congress regarding section 1364 of Title 28, as amended. The Diplomatic Relations Act of 1978 and the Foreign Missions Amendment Act of 1983 (a) required all foreign missions, members of missions and their families, and officials of the United Nations entitled to diplomatic immunity to carry liability insurance against risks arising from their operation of motor vehicles, vessels or aircraft in the United States; (b) made the foreign mission ultimately responsible for this liability insurance; and (c) imposed a surcharge on foreign missions for damages resulting from non-compliance with the Diplomatic Relations Act.

However, on December 31, 1986, the U.S. District Court in Maryland held that the Federal court lacked subject matter jurisdiction over direct action brought against liability insurers of individuals who, although both had diplomatic immunity at the time of the accident, did not have immunity at the time the complaint was filed. This ruling places U.S. citizens who have been damaged by foreign diplomats at a disadvantage when that diplomat leaves the United States and his country's foreign service. This section is intended to provide legal recourse for U.S. citizens injured under such circumstances.

Section 503—Prohibition on use of funds for political purposes

This section, offered by Senator Kerry, prohibits funds authorized to be appropriated by this Act or any other Act authorizing funds for any entity engaged in any activity concerning the foreign affairs of the United States from being used for publicity or propaganda purposes designed to support or defeat legislation pending before the Congress or to influence in any way the outcome of a political election.

Section 504—Prohibition on exclusion of aliens because of political beliefs

This section, offered by Senators Simon, Moynihan, and Kassebaum, is intended to ensure that no alien is denied admission to the United States solely because of his or her political beliefs or political associations or because of the expected content of speeches he or she intend to give.

The committee notes that current law provides authority to deny admission to aliens on a variety of different grounds including those related to national security and more generally to the interests of the United States. (See e.g. 8 U.S.C. 1182(a) 27 and (29) and (f).) These provisions have been used by the executive branch to exclude aliens on the grounds that their entry, presence, or activities in the United States would harm the national security interests, including the foreign policy interests, of the United States. Except insofar as aliens are denied admission solely on the basis of their political beliefs or associations or the expected content of speeches they intend to give in the United States, this section would in no way affect existing authority to deny admission to aliens on national security or foreign policy grounds, or the existing authority of the President to deny admissions by proclamation or to deny entry to aliens when the United States is at war or during the existence of a national emergency proclaimed by the President.

The committee believes that in appropriate circumstances, and as long as the denial is not based solely on the political beliefs or associations of the alien or the content of speeches intended to be given in the United States, the executive branch needs to have authority to deny admission to aliens on foreign policy or national security grounds. The committee notes that there is disagreement about the scope and desirability of existing authority to deny visas on these grounds. The committee, at this time, takes no position on these questions. In particular, the committee notes that the scope of Section 212(a)(27) of the Immigration and Nationality Act is currently under litigation in *Reagan* v. *Abourezk*, 785 F.2d 1043 (D.C Cir. 1986), cert. granted, Dec. 15, 1986, U.S. (1986). The amendment should not be construed as taking any position on the issues in litigation in that case.

The committee underscores that the Executive branch needs the authority to deny admission to an alien who engages in terrorist activity, or is a member of a terrorist organization, as defined by the Foreign Intelligence Surveillance Act (50 U.S.C. 1801).

Paragraph three of the amendment is simply intended to make clear that no standing beyond that which already exists is conferred by the section. The committee notes that courts have granted standing to Americans seeking the admission of aliens for the purpose of hearing them speak. See e.g., *Kleindienst* v. *Mandel,* 408 U.S. 753 (1972), *Abourezk supra,* (cert. granted on other grounds).

Section 505—Authority to invest and recover expenses from international claims settlement funds

This provision authorizes the Treasury Department to invest funds paid by foreign governments in claims settlement cases, pending disbursal to U.S. citizens.

It would also require a 5% deduction from the amount of a settlement to cover the costs of obtaining the settlement and processing claims. The proceeds would go to the Treasury.

Section 506—Payment of the claim of Joseph Karel Hasek from the Czechoslovakian claims fund

This section ensures that private law 98-54 will be implemented. Private law 98-54 provided that Joseph Karel Hasek should receive equitable relief to compensate him for his losses arising from his departure from Czechoslovakia under the auspices of the U.S. Government.

Section 507—Prohibition on international first class air travel by congressional staff

This provision, offered by Senator Helms, prohibits funds authorized by the Act from being used to fund international first class air travel for congressional staff members except for a staff member who is accompanying a Member of Congress traveling first class or if no other means of air travel is available.

Section 508—Public access to United Nations War Crimes Commission files

This provision, offered by Senator Moynihan, declares that it is the sense of the Congress that the United States should support efforts to gain access to the U.N.'s war crimes files and that the U.S. permanent representative to the U.N. should communicate this policy to the U.N. Secretary General.

Section 509—Policy on Afghanistan

This provision, offered by Senator Pell, (1) condemns the continued Soviet occupation of Afghanistan, (2) expresses support for the Afghan Freedom Fighters, and (3) supports a negotiated settlement leading to total Soviet withdrawal as soon as is logistically feasible. The provision also directs the President and Secretary of State to adopt policies to ensure that assistance intended for the Freedom Fighters is not diverted.

Section 510—Policy toward the Iran-Iraq War

This provision, offered by Senator McConnell and cosponsored by Senators Pell, Lugar, and Boschwitz, calls for a negotiated end to the Iran-Iraq War based on withdrawal to internationally recognized borders. The provision calls for U.S. support for an arms embargo against any party refusing to participate in such negotiations. In short, the provision is a restatement of U.S. policy as it was widely understood before recent revelations about arms sales to Iran.

Section 511—Iranian persecution of Baha'is

This provision, offered by Senator Simon, condemns Iran's persecution of Baha'is and urges the President to take all necessary steps to focus international attention on the plight of the Baha'i community.

Section 512—Refugees from Southeast Asia

This provision, offered by Senator Pell, reaffirms the U.S. commitment to the security of Thailand and sets forth a congressional finding that U.S. refugee resettlement and humanitarian assistance programs constitute an important factor in bilateral relations between the U.S. and Thailand. This section also establishes that Cambodians who are, or had been, at Khao I Dang camp should be considered and interviewed for eligibility for the United States refugee program, irrespective of the date they entered Thailand or that specific refugee camp. This provision further requires that the U.S. treat with utmost seriousness the continued reports of forced repatriations to Laos of would-be asylum seekers, and should lodge strong protests with the Thai government to bring an end to these repatriations.

Section 513—Policy toward South Korea

This provision, offered by Senators Cranston and Biden, sets forth a congresional finding concerning the current governmental crisis in South Korea: that a peaceful, democratic transition of government power now could become the political landmark in the institutionalization of genuine democracy. The Committee takes very seriously President Chun Doo Hwan's commitment to accomplish the first peaceful transition of executive power in the Republic of Korea's history by stepping down in March 1988. The committee believes that the necessary condition for the achievement of genuine democracy in the Republic of Korea is flexibility and fairness by all parties and the creation of an electoral system which will guarantee free and fair elections. The committee therefore deplores the April 13, 1987, decision of the Chun government to abandon efforts to agree on constitutional reforms essential to a peaceful transfer of power and calls on the government to urgently reconsider its decision. Without electoral reforms, the peaceful transition of power promised for 1988 threatens to become a purely cosmetic exercise which could dash the hopes of millions of South Koreans and give rise to increased domestic unrest in that nation.

Section 514—Policy toward North Korea

This provision, offered by Senator Murkowski, sets forth a congressional finding that North Korea is one of the world's most regimented and totalitarian nations and that its government systematically violates basic human rights. This provision also asserts that it is the sense of the Congress that North Korea should take steps to cease its domestic repression, end its support for international terrorism, accept the Republic of Korea's calls for the unconditional resumption of negotiations, and consider other steps to ease tensions between North and South Korea.

Section 515—Policy against persecution of Christians in Eastern Europe and the Soviet Union

This provision, offered by Senator Lugar, sets forth a congresional finding that the persecution of individuals in the Eastern Bloc on the basis of religious beliefs and cultural heritage is in direct violation of the commitments to freedom of thought, conscience, expression, and religion made by the Union of Soviet Socialist Republics and by the countries of Eastern Europe as signatories of the United Nations Universal Declaration of Human Rights, the Final Act of the Conference on Security and Cooperation in Europe, and the Concluding Document of the Madrid CSCE review conference.

This section also describes the particular human rights situation found in the Soviet Union and each of the Eastern European countries and concludes by calling upon the President to express to these governments the deep concern and opposition of the United States to the harassment of Christians.

Section 516—Concerning observance by the Government of Romania of the human rights of Hungarians in Transylvania, especially the right of self-determination

This provision, offered by Senator Pressler, deplores the policy of denationalization and ethnocide which the Government of Romania and its regional and local authorities have pursued against the Hungarians and people of other nationalities in the province of Transylvania.

Cost Estimate

Rule XXVI, paragraph 11(a) of the Standing Rules of the Senate requires that committee reports on bills or joint resolutions contain a cost estimate for such legislation in the fiscal year it is reported and in each of the following 5 years. The Congressional Budget Office has prepared the following estimate for this legislation.

June 15, 1987.

Hon. Claiborne Pell,
Chairman, Committee on Foreign Relations U.S. Senate, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has prepared the attached cost estimate on the Foreign Relations Authorization Act, fiscal year 1988, as ordered reported by the Senate Committee on Foreign Relations on May 15, 1987.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

With best wishes,
Sincerely,

Edward M. Gramlich,
Acting Director.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

1. Bill number: Unassigned.

2. Bill title: Foreign Relations Authorization Act, Fiscal Year 1988.

3. Bill status: As ordered reported by the Senate Committee on Foreign Relations on May 15, 1987.

4. Bill purpose: The bill authorizes the appropriation of funds for the Department of State, the United States Information Agency, and the Board for International Broadcasting for fiscal year 1988. It also extends retirement, survivor, and health benefits to certain former spouses of foreign service officers.

5. Estimated cost to the Federal Government:

[By fiscal years, in millions of dollars]

	1988	1989	1990	1991	1992
Direct spending:					
Function 150:					
Estimated budget authority [1]	.2	.2	.2	.2	.2
Estimated outlays	.2	.2	.2	.2	.2
Offsets:					
Estimated budget authority	−.2	−.2	−.2	−.2	−.2
Estimated outlays	−.2	−.2	−.2	−.2	−.2
Function 600:					
Estimated budget authority	.2	.2	.2	.2	.2
Estimated outlays	.7	.8	.8	.8	.7
Amounts subject to appropriation action: [2]					
State Department:					
Authorized level	2,677				
Estimated outlays	2,226	391	50	−22	−6
United States Information Agency:					
Authorized level	780				
Estimated outlays	564	170	21	1	
Board for International Broadcasting:					
Authorized level	174				
Estimated outlays	157	7	7		
Bill total:					
Authorized level	3,631	([3])	([3])	([3])	([3])
Estimated outlays	2,948	568	79	−20	−5

[1] Requires appropriation action.

[2] Authorization amounts, except those for the State Department's international commissions (budget function 300), fall within budget function 150.

[3] Less than $500,000.

Basis for estimate: This estimate assumes enactment of this legislation and subsequent appropriation of the authorized amounts by October 1, 1987. Authorization amounts are stated in the bill. Outlays for authorized programs were estimated using historical spendout rates.

Sections 117 and 118

Sections 117 and 118 give certain former spouses of foreign service officers retirement, survivor, and health benefits. The State Department estimates that approximately 60 additional people will be eligible for these benefits under this bill. The estimated budget authority requiring appropriation action represents the amortized cost of the unfunded liability created by the new entitlement authority—approximately $200,000 per year for thirty years. Outlays from the Foreign Service Retirement and Disability Fund (function 600) are expected to be $700,000 in fiscal year 1988 and to increase in the next few years before declining due to reductions in the number of beneficiaries.

Section 101

Section 101 earmarks $74 million for diplomatic security "Salaries and Expenses" from the funds to be appropriated for the diplomatic security program's "Acquisition and Maintenance of Buildings Abroad" account for fiscal year 1988. The authorization for this appropriation is contained in the Omnibus Diplomatic Security and Antiterrorism Act of 1986. Because "Salaries and Expenses" funds spend faster than "Acquisition and Maintenance of Buildings Abroad" funds, this earmark will increase outlays in fiscal year 1988 by approximately $45 million, but decrease outlays in the outyears by an equal amount.

Section 106

The Omnibus Diplomatic Security and Antiterrorism Act of 1986 authorized $417.962 million for fiscal year 1988 for the "Acquisition and Maintenance of Buildings Abroad" account for the diplomatic security program. Section 106 decreases this authorization to $387.262 million. This decreased authorization would reduce estimated outlays when compared with previously authorized levels.

6. Estimated cost to state and local governments: None.
7. Estimate comparison: None.
8. Previous CBO cost estimate: None.
9. Estimate prepared by: Kent Christensen.
10. Estimate approved by: C.G. Nuckols, James L. Blum, Assistant Director for Budget Analysis.

EVALUATION OF REGULATORY IMPACT

In accordance with Rule XXVI, paragraph 11(b) of the Standing Rules of the Senate, the committee has concluded that there is no regulatory impact from this legislation.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

Foreign Service Act of 1980

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TABLE OF CONTENTS

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CHAPTER 8—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

* * * * * * *

Sec. 830. Survivor benefits for certain former spouses.
Sec. 831. Health benefits for certain former spouses.

Sec. 832. Retirement benefits for certain former spouses.

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TITLE I—THE FOREIGN SERVICE OF THE UNITED STATES

CHAPTER 1—GENERAL PROVISIONS

* * * * * * *

Sec. 105. Merit Principles; Protections for Members of the Service; and Minority Recruitment.—(a)(1) * * *

* * * * * * *

(d)(1) * * *

[(2) Not later than January 31 of each year, the Secretary shall transmit to each House of the Congress a report, signed by the Secretary, on the activities of the Secretary under paragraph (1). Such report shall include any affirmative action plans submitted by the Secretary under section 717 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-16) and any data necessary to evaluate the effectiveness of the program under paragraph (1) for the preceding fiscal year, together with recommendations for administrative or legislative action the Secretary considers appropriate.]*(2) The Secretary shall transmit to each House of Congress the Department's reports on its equal employment opportunity and affirmative action programs and its minority recruitment programs, which reports are required by law, regulation, or directive to be submitted to the Equal Employment Opportunity Commission (EEOC) or the Office of Personnel Management (OPM). Each such report shall be transmitted to the Congress at least once annually, and shall be received by the Congress not later than 30 days after its original submission to the Equal Employment Opportunity Commission or the Office of Personnel Management.*

* * * * * * *

CHAPTER 2—MANAGEMENT OF THE SERVICE

* * * * * * *

Sec. 207. Chief of Mission.—(a) Under the direction of the President, the chief of mission to a foreign country—

(1) shall have full responsibility for the direction, coordination, and supervision of all Government *executive branch* employees in that country (except for employees under the command of a United States area military commander); and

(2) shall keep fully and currently informed with respect to all activities and operations of the Government within that country, and shall insure that all Government *executive branch* employees in that country (except for employees under the command of a United States area military commander) comply fully with all applicable directives of the chief of mission.

(b) Any *executive branch* agency having employees in a foreign country shall keep the chief of mission to that country fully and currently informed with respect to all activities and operations of its employees in that country, and shall insure that all of its employees in that country (except for employees under the command of a United States area military commander) comply fully with all applicable directives of the chief of mission.

* * * * * * *

Chapter 3—Appointments

Sec. 309. Limited Appointments.—*(a)* A limited appointment in the Service, including an appointment of an individual who is an employee of an agency, may not exceed 5 years in duration and, except as provided in [section 311(a)] *subsection (b)*, may not be extended or renewed. A limited appointment in the Service which is limited by its terms to a period of one year or less is a temporary appointment.

(b) A limited appointment may be extended for continued service as—

(1) a consular agent;

(2) a family member as provided in section 311(a);

(3) a career candidate, if continued service is determined appropriate to remedy a matter that would be cognizable as a grievance under chapter 11; or

(4) a career employee in another Federal personnel system serving in a Foreign Service position on detail from another agency.

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Chapter 4—Compensation

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Sec. 405. Performance Pay.—(a) * * *

* * * * * * *

(b) * * *

(1) * * *

* * * * * * *

(4) The total amount of basic salary plus performance pay received in any fiscal year by any member of the Senior Foreign Service may not exceed the salary payable for level I of the Executive Schedule under section 5312 of title 5, United States Code, as in effect at the end of that fiscal year. *Any amount which is not paid to a member of the Senior Foreign Service during a fiscal year because of this limitation shall be paid to that individual in a lump sum at the beginning of the following fiscal year. Any amount paid under this authority during a fiscal year shall be taken into account for purposes of applying the limitation in the first sentence of this subparagraph with respect to such fiscal year.*

(5) The Secretary of State shall prescribe regulations, consistent with section 5582 of title 5, United States Code, under which payment under this section shall be made in the case of any individual whose death precludes payment under paragraph (4) of this subsection.

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Chapter 6—Promotion and Retention

Sec. 601. Promotions.—(a) * * *

* * * * * * *

(c)(1) * * *

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(4) Not later than March 1 of each year, the Secretary of State shall submit a report to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate which shall—

(A) describe the steps taken and planned in furtherance of—

(i) maximum compatibility among agencies utilizing the Foreign Service personnel system, as provided for in section 203, and

(ii) the development of uniform policies and procedures and consolidated personnel functions, as provided for in section 204;

(B) specify the upper and lower limits planned by each such agency for recruitment, advancement, and retention of members of the Service, as provided for in section 601(c)(2), including, with respect to each of the relevant promotion competition groups, the projected ranges of rates of appointment, promotion, and attrition over each of the next 5 fiscal years, as well as a comparison of such projections with the projections for the preceding year and with actual rates of appointment, promotion, and attrition, including a full explanation of any deviations from projections reported in the preceding year; and

(C) specify the numbers of members of the Service who are assigned to positions classified under section 501 which are more than one grade higher or lower than the personal rank of the member.

* * * * * * *

Sec. 610. Separation for Cause.—(a)(1) * * *

(2) A member of the Service who is a member of the Senior Foreign Service or is assigned to a salary class in the Foreign Service Schedule and who either (A) is serving under a career appointment, or (B) if separation is to be by reason of misconduct, is serving under a limited appointment, shall not be separated from the Service under this section until the member has been granted a hearing before the Foreign Service Grievance Board and the cause for separation established at such hearing, unless the member waives in writing the right to a hearing. The hearing *and authority* [procedures] *provisions* applicable to grievances under [section 1106] *chapter 11* and shall be in lieu of any other administrative procedure authorized or required by this or any other law.

* * * * * * *

Chapter 7—Foreign Service Institute, Career Development, Training, and Orientation

* * * * * * *

Sec. 703. Career Development.—(a) * * *

* * * * * * *

[(f) The Secretary of State shall report annually to the Congress and the President on the status of the professional development program and the resources needed and made available to achieve it. The first such report, to be submitted 90 days after the effective date of this Act, shall set out the resources required to initiate successfully the program established pursuant to this section.]

* * * * * * *

CHAPTER 8—FOREIGN SERVICE RETIREMENT AND DISABILITY

SUBCHAPTER I—FOREIGN SERVICE RETIREMENT AND DISABILITY SYSTEM

Sec. 801. Administration of the System.— * * *

* * * * * * *

Sec. 830. Survivor Benefits for Certain Former Spouses.—*(a)(1) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to a survivor annuity equal to 55 per centum of the greater of—*

(A) the full amount of the participant's or former participant's annuity, as computed under chapter 8 of this Act; or

(B) the full amount of what such annuity as so computed would be if the participant or former participant had not withdrawn a lump-sum porition of contributions made with respect to such annuity.

(2) A survivor annuity payable under this section shall be reduced by an amount equal to the amount of retirement benefits, not including benefits under title II of the Social Security Act, received by the former spouse which are attributable to previous employment of such former spouse by the United States.

(b) A former spouse shall not be entitled to a survivor annuity under this section if—

(1) an election has been made with respect to such former spouse under section 2109;

(2) the former spouse is designated a beneficiary of the employee as a person with an insurable interest;

(3) the former spouse remarries before age 55;

(4) the former spouse is less than 50 years of age; or

(5) the former spouse was not married to the participant at least 10 years during service of the participant which is creditable under this chapter with at least 5 years occurring while the participant was a member of the Foreign Service.

(c)(1) The entitlement of a former spouse to a survivor annuity under this section—

(A) shall commence—

(i) in the case of a former spouse of a participant or former participant who is deceased as of the effective date of this section, beginning on the later of—

(I) the 60th day after such date; or

(II) the date such former spouse reaches the age 50; and

(ii) in the case of any other former spouse, beginning on the latest of—

(I) the date that the participant or former participant to whom the former spouse was married dies;

(II) the 60th day after the effective date of this section; or

(III) the date such former spouse reaches age 50; and

(B) shall terminate on the last day of the month before the former spouse's death or remarriage before attaining the age 55.

(2)(A) A survivor annuity under this section shall not be payable unless appropriate written application is provided to the Secretary, complete with any supporting documentation which the Secretary may by regulation require, within 30 months after the effective date of this section.

(B) Upon approval of an application provided under subparagraph (A), the appropriate survivor annuity shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such annuity under this section, but in no event shall a survivor annuity be payable under this section with respect to any period before the effective date of this section.

(d) The Secretary shall—

(1) as soon as possible, but not later than 60 days after the effective date of this section, issue such regulations as may be necessary to carry out this section; and

(2) to the extent practicable, and as soon as possible, inform each individual who was a former spouse of a participant or former participant on February 14, 1981, of any rights which such individual may have under this section.

Sec. 831. Health Benefits for Certain Former Spouses.—*(a) Except as provided in subsection (c)(1), any individual—*

(1) formerly married to an employee or former employee of the Foreign Service, whose marriage was dissolved by divorce or annulment before May 7, 1985;

(2) who, at any time during the eighteen-month period before the divorce or annulment became final, was covered under a health benefits plan as a member of the family of such employee or former employee; and

(3) who was married to such employee for not less than ten years during periods of government service by such employee, is eligible for coverage under a health benefits plan in accordance with the provisions of this section.

(b)(1) Any individual eligible for coverage under subsection (a) may enroll in a health benefits plan for self alone or for self and family if, before the expiration of the 6-month period beginning on the effective date of this section, and in accordance with such procedures as the Director of the Office of Personnel Management shall by regulation prescribe, such individual—

(A) files an election for such enrollment; and

(B) arranges to pay currently into the Employees Health Benefits Fund under section 8909 of title 5, United States Code, an amount equal to the sum of the employee and agency contribu-

tions payable in the case of an employee enrolled under chapter 89 of such title in the same health benefits plan and with the same level of benefits.

(2) The Secretary shall, as soon as possible, take all steps practicable—

(A) to determine the identity and current address of each former spouse eligible for coverage under subsection (a); and

(B) to notify each such former spouse of that individual's rights under this section.

(3) The Secretary shall waive the 6-month limitation set forth in paragraph (1) in any case in which the Secretary determines that the circumstances so warrant.

(c)(1) Any former spouse who remarries before age 55 is not eligible to make an election under subsection (b)(1).

(2) Any former spouse enrolled in a health benefits plan pursuant to an election under subsection (b)(1) may continue the enrollment under the conditions of eligibility which the Director of the Office of Personnel Management shall by regulation prescribe, except that any former spouse who remarries before age 55 shall not be eligible for continued enrollment under this section after the end of the 31-day period beginning on the date of remarriage.

(d) No individual may be covered by a health benefits plan under this section during any period in which such individual is enrolled in a health benefits plan under any other authority, nor may an individual be covered under more than one enrollment under this section.

(e) For purposes of this section, the term "health benefits plan" means an approved health benefits plan under chapter 89 of title 5, United States Code.

SEC. 832. RETIREMENT BENEFITS FOR CERTAIN FORMER SPOUSES.

(a) Any individual who was a former spouse of a participant or former participant on February 14, 1981, shall be entitled, to the extent of available appropriations, and except to the extent such former spouse is disqualified under subsection (b), to benefits—

(1) if married to the participant throughout the creditable service of the participant, equal to 50 percent of the benefits of the participant; or

(2) if not married to the participant throughout such creditable service, equal to that former spouse's pro rata share of 50 percent of such benefits.

(b) A former spouse shall not be entitled to benefits under this section if—

(1) the former spouse remarries before age 55; or

(2) the former spouse was not married to the participant at least 10 years during service of the participant which is creditable under this chapter with at least 5 years occurring while the participant was a meember of the Foreign Service.

(c)(1) The entitlement of a former spouse to benefits under this section—

(A) shall commence on the later of—

(i) the day the participant upon whose service the benefits are based becomes entitled to benefits under this chapter; or

(ii) the first day of the month in which the divorce or annulment involved becomes final; and

(B) shall terminate on the earlier of—

(i) the last day of the month before the former spouse dies or remarries before 55 years of age; or

(ii) the date the benefits of the participant terminates.

(2) Notwithstanding paragraph (1), in the case of any former spouse of a disability annuitant—

(A) the benefits of the former spouse shall commence on the date the participant would qualify on the basis of his or her creditable service for benefits under this chapter (other than a disability annuity) or the date the disability annuity begins, whichever is later, and

(B) the amount of benfits of the former spouse shall be calculated on the basis of benefits for which the participant would otherwise so qualify.

(3) Benefits under this section shall be treated the same as an annuity under section 814(a)(7) for purposes of section 806(h) or any comparable provision of law.

(4)(A) Benefits under this section shall not be payable unless appropriate written application is provided to the Secretary, complete with any supporting documentation which the Secretary may by regulation require, within 30 months after the effective date of this section. The Secretary may waive the 30-month application requirement under this subparagraph in any case in which the Secretary determines that the circumstances so warrant.

(B) Upon approval of an application provided under subparagraph (A), the appropriate benefits shall be payable to the former spouse with respect to all periods before such approval during which the former spouse was entitled to such benefits under this section, but in no event shall benefits be payable under this section with respect to any period before the effective date of this section.

(d) For the purposes of this section, the term 'benefits' means—

(1) with respect to a participant or former participant subject to this subchapter, the annuity of the participant or former participant; and

(2) with respect to a participant or former participant subject to subchapter II, the benefits of the participant or former participant under that subchapter.

(e) Nothing in this section shall be construed to impair, reduce, or otherwise affect the annuity or the entitlement to an annuity of a participant or former participant under this chapter.

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Sec. 1107. Board Decisions.—(a) * * *

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(d) If the Board finds that the grievance is meritorious and that remedial action should be taken that relates directly to promotion or assignment of the grievant or to other remedial action not otherwise provided for in this section, or if the Board finds that the evidence before it warrants disciplinary action against any employee of the Department or member of the Service, it shall make an appropriate recommendation to the Secretary. The Secretary shall make a written decision on the recommendation of the Board within 30 days after receiving the recommendation. The Secretary shall implement the recommendation of the Board except to the extent that, in a decision made within that 30-day period, the Secretary rejects the recommendation in whole or in part on the basis of a determination that implementation of the recommendation [would be contrary to law or] would adversely affect the foreign policy or national security of the United States. If the Secretary rejects the recommendation in whole or in part, the decision shall specify the reasons for such action. Pending the decision of the Secretary, there shall be no ex parte communication concerning the grievance between the Secretary, and any person involved in the proceedings of the Board. The Secretary shall, however, have access to the entire record of the proceedings of the Board. *Any recommendation of the Board which is not rejected by the Secretary on the basis that it would adversely affect the foreign policy or national security of the United States shall be considered to be a final action for the purposes of judicial review under section 1110 of this Act as of the time of the issuance of the recommendation by the Board.*

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TITLE II—TRANSITION, AMENDMENTS TO OTHER LAWS, AND MISCELLANEOUS PROVISIONS

CHAPTER 4—SAVING PROVISIONS, CONGRESSIONAL OVERSIGHT, AND EFFECTIVE DATE

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[**Sec. 2402. Congressional Oversight of Implementation.**—(a) Not later than February 1, 1982, the Secretary of State shall submit to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate a report describing the implementation of this Act during the fiscal year 1981 by the agencies utilizing the Foreign Service personnel system. Such report shall—

[(1) describe the steps taken and planned in furtherance of (A) maximum compatibility among such agencies, as provided for in section 203, and (B) the development of uniform policies and procedures and consolidated personnel functions, as provided for in section 204;

[(2) indicate the progress made by each such agency in the conversion of personnel and position classifications in accordance with chapter 1 of this title;

[(3) specify the upper and lower limits planned by each such agency for recruitment, advancement, and retention of members of the Service, as provided for in section 601(c)(2), including with respect to each of the relevant promotion competition groups the projected ranges of rates of appointment, promotion, and attrition over each of the five fiscal years 1981 through 1985; and

[(4) specify the numbers of members of the Service who are assigned to positions classified under section 501 which are more than one grade higher or lower than the personal rank of the member (except that the names and grades of such members shall be transmitted to the Congress in a confidential manner to assure privacy and to safeguard national security).

[(b) Beginning in 1982, the Secretary of State shall submit each year to the Speaker of the House of Representatives and to the Committee on Foreign Relations of the Senate a supplemental report containing—

[(1) a description of any relevant developments with respect to the matters reported on under paragraphs (1) and (2) of subsection (a);

[(2) with respect to paragraph (3) of such subsection, a revised projection of the ranges of rates of appointment, promotion, and attrition over each of the next five years, as well as a comparison of such projections with the projections for the preceding year and with actual rates of appointment, promotion, and attrition, including a full explanation of any deviations from projections reported in the preceding year; and

[(3) the information specified in paragraph (4) of such subsection.

[(c) The Secretary shall consult, in accordance with the procedures set out in section 1013(g), with the exclusive representative (if any) of members of the Foreign Service in each agency specified in section 1003(a) with respect to steps to be taken in implementing this Act and reported under this section. To that end, each such exclusive representative will have timely access to all relevant information at each stage. Each such report shall include the views of each such exclusive representative on any and all aspects of the report and the information contained in such report.]

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The Asia Foundation Act

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[**Sec. 404.** There are authorized to be appropriated to the Secretary of State $10,500,000 for each fiscal years 1986 and 1987 for grants to The Asia Foundation pursuant to this title.]

Sec. 404. *There are authorized to be appropriated to the Secretary of State $15,000,000 for fiscal year 1988 for grants to The Asia Foundation pursuant to this title.*

* * * * * * *

Public Law 689—July 11, 1956

* * * * * * *

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That not to exceed eighteen Members of Congress shall be appointed to meet jointly and annually and when Congress is not in session, with representative parliamentary groups from other NATO (North Atlantic Treaty Organization) members, for discussion of common problems in the interests of the maintenance of peace and security in the North Atlantic area. Of the Members of the Congress to be appointed for the purposes of this resolution (hereinafter designated as the "United States Group"), half shall be appointed by the

Speaker of the House from Members of the House, and half shall be appointed by the President of the Senate from Members of the Senate. Not more than five of the appointees from the respective Houses shall be of the same political party. *Each delegation shall have a secretary. The secretaries of the Senate and House delegations shall be appointed, respectively, by the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives.*

* * * * * * *

Mutual Educational and Cultural Exchange Act of 1961

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Sec. 112.—(a) * * *

(1) * * *

* * * * * * *

(6) the American Studies Program which fosters and supports the study of the United States, and its people and culture, in foreign countries; [and]

(7) a program of working with private, not-for-profit groups through contracts, grants, or cooperative agreements, as authorized by section 102 of this Act, so as to provide financial assistance to nongovernmental organizations engaged in implementing and enhancing exchange-of-persons program[.]*; and*

(8) the Arts America program which promotes a greater appreciation and understanding of American art abroad by supporting exhibitions and tours by American artists in other countries.

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The International Organizations Immunities Act

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TITLE I

Section 1. * * *

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INTERNATIONAL COMMITTEE OF THE RED CROSS; EXTENSION OF PRIVILEGES AND IMMUNITIES TO MEMBERS

Sec. 12A. The International Committee of the Red Cross, in view of its unique status as an impartial humanitarian body named in the Geneva Conventions of 1949 and assisting in their implementation, shall be considered to be an international organization for the purposes of this Act and may be extended the provisons of this Act in the same manner, to the same extent, and subject to the same conditions, as such provisions may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.

UNITED STATES CODE ANNOTATED

Title 5—Government Organization and Employees

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§ 5313. * * *

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[Ambassador at Large.]

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§ 5315. * * *

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Assistant Directors, United States Arms Control and Disarmament Agency (4).

Ambassadors at Large.

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§ 8332 Creditable service.

(a) * * *

(b) The service of an employee shall be credited from the date of original employment to the date of separation on which title to annuity is based in the civilian service of the Government. Except as provided in paragraph (13) of this subsection, credit may not be allowed for a period of separation from the service in excess of 3 calendar days. The service includes—

* * * * * * *

Service referred to in paragraph (6) is allowable only in the case of persons performing service under section 709 of title 32 after December 31, 1968. The Office of Personnel Management shall accept the certification of the Executive Director of the Board for International Broadcasting, *and the Secretary of State with respect to the Asia Foundation and the Secretary of Defense with respect to the Armed Forces Network, Europe (AFN-E),* concerning services for the purposes of this subchapter of the type described in paragraph (11) of this subsection.

Title 22—Foreign Relations and Intercourse

* * * * * * *

§ 2661. Procurement of information for corporations, firms and individuals; expense of cablegrams and telephone service involved; appropriation

(a) On and after May 15, 1936, whenever the Secretary of State, in his discretion, procures information on behalf of corporations, firms, and individuals, the expense of cablegrams and telephone service involved may be charged against the respective appropria-

tions for the service utilized; and reimbursement therefor shall be required from those for whom the information was procured and, when made, be credited to the appropriation under which the expenditure was charged.

(b) The Secretary of State is authorized to accept reimbursement from corporations, firms, and individuals for the expenses of travel, translation, printing, special experts, and other extraordinary expenses incurred in pursuing a claim on their behalf against a foreign government or other foreign entity. Such reimbursements shall be credited to the appropriation account against which the expense was initially charged.

* * * * * * *

§ 2668a. Disposition of trust funds received from foreign governments for citizens of United States

All moneys received by the Secretary of State from foreign governments and other sources, in trust for citizens of the United States or others, shall be deposited and covered into the Treasury.

The Secretary of State shall determine the amounts due claimants, respectively, from each of such trust funds, and certify the same, *subject to the deduction made under subsection (b) of this section, if any,* to the Secretary of the Treasury, who shall, upon the presentation of the certificates of the Secretary of State, pay the amounts so found to be due.

Each of the trust funds covered into the Treasury as aforesaid is appropriated for the payment to the ascertained beneficiaries thereof of the certificates provided for in this section.

* * * * * * *

(b) The Secretary of State shall deduct from moneys received from foreign governments and other sources as a result of an international arbitration or other international dispute settlement proceeding to which the United States is a party an amount equal to 5 per centum of any moneys determined by the Secretary to be due a private United States claimant, as reimbursement for expenses incurred. The amount so deducted shall be covered into the Treasury to the credit of miscellaneous receipts. This paragraph shall not apply to any expenses incurred or amounts received in connection with the Iran-United States Claims Tribunal, or to any funds created under section 8 of the International Claims Settlement Act of 1949.

TITLE II—AUTHORITIES RELATING TO THE REGULATIONS OF FOREIGN MISSIONS

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DEFINITIONS

Sec. 202. (a) For purposes of this title—

(1) "benefit" (with respect to a foreign mission) means any acquisition, or authorization for an acquisition, in the United States by or for a foreign mission, including the acquisition of—

(A) real property by purchase, lease, exchange, construction, or otherwise,

(B) public services, including services relating to customs, importation, and utilities, and the processing of applications or requests relating to public services,

(C) supplies, maintenance, and transportation,

(D) locally engaged staff on a temporary or regular basis,

(E) travel and related services, **[**and**]**

(F) protective services, *and*

(G) financial and currency exchange services,

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State Department Basis Authorities Act of 1956

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TITLE I—BASIC AUTHORITIES GENERALLY

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Sec. 3. The Secretary of State is authorized to—

(a) * * *

(i) maintain, improve, and repair properties rented or leased pursuant to authority contained in subsection (h) of this section and furnish fuel, water and utilities for such properties; **[**and**]**

(j) provide emergency medical attention and dietary supplements, and other emergency assistance, for United States citizens incarcerated abroad or destitute United States citizens abroad who are unable to obtain such services otherwise, such assistance to be provided on a reimbursable basis to the extent feasible**[**.**]***; and*

(k) obtain insurance on the furnishing, including works of art and antiques, which may from time-to-time be within the responsibility of the Fine Arts Committee of the Department of State for the Diplomatic Rooms of the Department.

* * * * * * *

Sec. 35. (a) * * *

(b) The Secretary of State shall establish, within the Department of State an Office of the Coordinator for International Communications and Information Policy, headed by a Coordinator who shall be responsible to the Under Secretary. The Coordinator shall be appointed by the President, by and with the advice and consent of the Senate, and shall have the rank of ambassador. *The Coordinator shall be compensated at the annual rate for positions authorized by section 5315 of title 5, United States Code.* The Coordinator shall be responsible, on behalf of the Under Secretary, for formulation, coordination, and oversight of international communications policy assigned to the Under Secretary. On behalf of the Under Secretary, the Coordinator shall—

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SEC. 40. AUTHORITY TO CONTROL CERTAIN TERRORISM-RELATED SERVICES

* * * * * * *

OFFICIAL RESIDENCE FOR THE SECRETARY OF STATE

Sec. 41. (a) The Department of State may construct, or acquire by purchase of gift, a suitable permanent residence within the Washington, District of Columbia, area for the Secretary of State. The Department shall not use any appropriated funds to finance such construction or acquisition, but instead shall make use of funds and other property obtained pursuant to section 25 of the State Department Basic Authorities Act of 1956. To the extent funds are provided in advance in appropriation Acts, the Department may insure this residence and its related real and personal property. In carrying out the purposes of this section, the Department may use the authorities contained in section 208(d).

(b) The Department shall periodically advise Congress on activities undertaken pursuant to this section.

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Sec. [41.] *42.* This Act may be cited as the State Department Basic Authorities Act of 1956.

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Sec. 203. (a) The Secretary shall establish an Office of Foreign Missions as an office within the Department of State. The Office shall be headed by a Director, appointed by the President by and with the advice and consent of the Senate, who shall perform his or her functions under the supervision and direction of the Secretary. The Secretary may delegate this authority for supervision and direction of the Director only to the Deputy Secretary of State or an Under Secretary of State. The Director shall have the rank of ambassador. The Director shall be an individual who is a member of the Foreign Service, who has been a member of the Foreign Service for at least ten years, who has significant administrative experience, and who has served in countries in which the United States has had significant problems in assuring the secure and efficient operations of its missions as the result of the actions of other countries. *The Director shall be compensated at the annual rate for positions authorized by section 5315 of title 5, United States Code.*

Diplomatic Security Act

TITLE III—PERFORMANCE AND ACCOUNTABILITY

SEC. 301. ACCOUNTABILITY REVIEW.

In any case of serious injury, loss of life, or significant destruction of property at or related to a United States Government mission abroad *or in any case of serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad,* which is covered by the provisions of titles I through IV (other than a facility or installation subject to the control of a United States area military commander), the Secretary of State shall convene an Accounting Review Board (hereafter in this title referred to as the "Board"). *With respect to* *breaches of security involving intelligence activities, the Secretary of State may delay establishing the Accountability Review Board if he determines that doing so would compromise intelligence sources and methods and promptly so advises the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives.* The Secretary shall not convene a Board where the Secretary determines that a case clearly involves only causes unrelated to security.

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SEC. 304. FINDINGS AND RECOMMENDATIONS BY A BOARD.

(a) FINDINGS.—A Board convened in any case shall examine the facts and circumstances surrounding the serious unjury, loss of life, or significant destruction of property at or related to a United States Government mission abroad, *or surrounding the serious breach of security involving intelligence activities of a foreign government directed at a United States Government mission abroad (as the case be be),* and shall make written findings determining—

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TITLE IV—DIPLOMATIC SECURITY PROGRAM

SEC. 401. * * *

(a) * * *

(1) * * *

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[(3) CAPITAL CONSTRUCTION, FISCAL YEARS 1988 THROUGH 1990.—There is authorized to be appropriated for the Department of State for "Acquisition and Maintenance of Buildings Abroad" for each of the fiscal years 1988 through 1990, $417,962,000 to carry out diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program.] *(3) CAPITAL CONSTRUCTION, FISCAL YEARS 1988 THROUGH 1990.—There are authorized to be appropriated for the Department of State for "Acquisition and Maintenance of Buildings Abroad" for fiscal year 1988, $397,262,000, and for each of the fiscal years 1989 through 1990, $417,962,000, to carry out diplomatic security construction, acquisition, and operations pursuant to the Department of State's Supplemental Diplomatic Security Program.*

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SEC. 413. INSPECTOR GENERAL FOR THE DEPARTMENT OF STATE

[(a) INSPECTOR GENERAL OF THE DEPARTMENT OF STATE.—

[(1)] *(a)* DIRECTION TO ESTABLISH.—The Congress directs the Secretary of State to proceed immediately to establish an Office of Inspector General of the Department of State not later than October 1, 1986. Not later than January 31, 1987, the Secretary of State shall submit a report to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives on the progress of establishing that office. Such report shall include an accounting of the obligation of funds for fiscal year 1987 for that office.

[(2)](*b*) DUTIES AND RESPONSIBILITIES.—The Inspector General of the Department of State (as established by the amendment made by section 150(a) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987) is authorized to perform all duties and responsibilities, and to exercise the authorities, stated in section 209 of the Foreign Service Act of 1980 (22 U.S.C. 3929) and in the Inspector General Act of 1978.

[(3)](*c*) EARMARK.—Of the amounts made available for fiscal year 1987 for salaries and expenses under the heading "Administration of Foreign Affairs", not less than $6,500,000 shall be used for the sole purpose of establishing and maintaining the Office of Inspector General of the Department of State.

[(4)](*d*) LIMITATION ON APPOINTMENT.—No career member of the Foreign Service, as defined by section 103 of the Foreign Service Act of 1980 (22 U.S.C. 3903), may be appointed Inspector General of the Department of State.

[(5)](*e*) POSITION AT LEVEL IV OF THE EXECUTIVE SCHEDULE.—Section 5315 of title 5, United States Code (as amended by section 412), is amended by adding at the end thereof the following:

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(b) OFFICE OF POLICY AND PROGRAM REVIEW.—

[(1) ESTABLISHMENT.—The Secretary of State shall establish an office to be known as the Office of Policy and Program Review (hereafter in this section referred to as the "Office").

[(2) DIRECTOR.—

[(A) The Office shall be headed by a director, appointed by the Secretary of State, who shall report to and be under the general supervision of the Secretary of State. The director shall be appointed without regard to political affiliation from among individuals exceptionally qualified for the position by virtue of their integrity and their knowledge and experience in the conduct of foreign affairs.

[(B) The director shall review activities and operations performed under the direction, coordination, and supervision of chiefs of mission (provided in section 207 of the Foreign Service Act of 1980 (22 U.S.C. 3927)) for the purpose of ascertaining their consonance with the foreign policy of the United States and their consistency with the responsibilities of the Secretary of State and the chief of mission. This authority shall not preclude the Inspector General of the Department of State from carrying out any function of section 209(g) of the Foreign Service Act of 1980 (223 U.S.C. 3929(g)).

[(3) FUNDING FOR THE OFFICE.—Of the amounts authorized to be appropriated for "Administration of Foreign Affairs" for fiscal year 1987, not more than $4,000,000 shall be available for the purpose of establishing and maintaining the Office.

[(4) INSPECTION BY OFFICE OF INSPECTOR GENERAL.—The Office shall be subject to inspection by the Inspector General of the Department of State.]

TITLE X—FASCELL FELLOWSHIP PROGRAM

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SEC. 1005. SECRETARY OF STATE

(a) * * *

[(b) Authorities.—Such service shall be in accordance with the relevant authorities of the Foreign Service Act of 1980, the State Department Basic Authorities Act of 1956, and title 5 of the United States Code.] *(b) Authorities.—Fellows may be deemed to be Federal employees for the purposes of the Foreign Service Act of 1980 (22 U.S.C. 301 et seq.), title 5 of the United States Code, and all other laws governing Federal employment, except that, in lieu of compensation under such authorities, Fellows may be compensated through a contractual agreement under the provisions of section 2(c) of the State Department Basic Authorities Act of 1956.*

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United States-India Fund for Cultural, Educational, and Scientific Cooperation Act

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UNITED STATES CODE ANNOTATED

Title 22

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§ 290j–1. Use of United States owned rupees to capitalize the Fund

(a) * * *

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(c) In accordance with the agreement negotiated pursuant to section 902(a), the moneys appropriated as described in subsection (b), as well as the earnings generated therefrom, may be made available for the purposes set out in section 902(a).

United States Information and Educational Exchange Act of 1948

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TITLE VI—ADVISORY COMMISSIONS TO FORMULATE POLICIES

[**Sec. 601.** There are hereby created two advisory commissions, (1) United States Advisory Commission on Information (hereinafter in this title referred to as the Commission on Information) and (2) United States Advisory Commission on Educational Exchange (hereinafter in this title referred to as the Commission on Educational Exchange) to be constituted as provided in section 602. The Commission shall formulate and recommend to the Secretary policies and programs for the carrying out of this Act: *Provided, however,* That the commissions created by this section shall have no authority over the Board of Foreign Scholarships or the program created by Public Law 584 of the Seventy-ninth Congress, enacted August 1, 1946, or the United States National Commission for UNESCO.**]**

SEC. 601. UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY.

(a) There is hereby created the United States Advisory Commission on Public Diplomacy (hereafter in this section referred to as the "Commission"). The Commission shall formulate and recommend to the Director of the United States Information Agency, to the Committee on Foreign Relations of the Senate and to the Committee on Foreign Affairs of the House of Representatives policies and programs for the carrying out of this Act and the Mutual Educational and Cultural Exchange Act of 1961.

(b)(1) The Commission shall consist of 7 members. Two members shall be appointed by the President and shall serve for the duration of the President's term in office. The 5 remaining members shall be appointed as follows:

(A) One member shall be chosen by the chairman and ranking minority member of the Committee on Foreign Relations of the Senate.

(B) One member each shall be chosen by the chairman and ranking minority member of the Committee on Foreign Affairs of the House of Representatives.

(C) One member shall be jointly chosen by the chairman of the Committee on Foreign Relations of the Senate and the chairman of the Committee on Foreign Affairs of the House of Representatives.

(2) The congressionally appointed members shall serve for the duration of the Congress in which they are appointed. Members of the Commission shall serve until their successors are appointed. A vacancy shall be filed in the manner in which the previous incumbent was selected and shall serve only to the end of the term to which the previous incumbent had been appointed.

(c) The members of the Commission shall represent the public interest and shall be selected from a cross section of educational, professional, cultural, scientific, business, technical and public service backgrounds. No person holding any compensated State or Federal office shall be eligible for appointment to the Commission.

(d) The President shall designate a Chairman from among the members of the Commission.

(e) The members of the Commission shall receive no compensation for their services as members but shall be entitled to reimbursement for travel and subsistence in connection with attendence of meetings away from their places of residence, as provided in paragraph (6) of section 801 of this Act.

(f) The Commission may adopt such rules and regulations as it deems necessary to carry out the authority conferred upon them by this title.

(g) The Commission shall have a staff Director appointed by the chairman with the concurrence of at least 5 members of the Commission. The Director of the United States Information Agency is authorized and directed to provide such additional personnel for the staff of the Commission as is necessary to carry out the work of the Commission. The Chairman is authorized to procure temporary

and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates not to exceed the equivalent of the annual rate of basic pay for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.

[**Sec. 602.** (a) Each Commission shall consist of five members, not more than three of whom shall be from any one political party. Members shall be appointed by the President, by and with the advice and consent of the Senate. No person holding any compensated Federal or State office shall be eligible for appointment.

[(b) The members of the Commission on Information shall represent the public interest, and shall be selected from a cross section of professional, business, and public service backgrounds.

[(c) The members of the Commission on Educational Exchange shall represent the public interest and shall be selected from a cross section of educational, cultural, scientific, technical, and public service backgrounds.

[(d) The term of each member appointed under subsection (a) of this section shall be three years, except that the terms of office of such members first taking office on each Commission shall expire, as designated by the President at the time of appointment, two at the end of one year, two at the end of two years, and one at the end of three years from the date of the enactment of this Act. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor is appointed shall be appointed for the remainder of such term. Upon the expiration of his term of office any member may continue to serve until his successor is appointed and has qualified.

[(e) The president shall designate a chairman for each Commission from among members of the Commission.

[(f) The members of the Commissions shall receive no compensation for their services as such members but shall be entitled to reimbursement for travel and subsistence in connection with attendance of meetings of the Commissions away from their places of residences, as provided in subsection (6) of section 801 of this Act.

[(g) The Commissions are authorized to adopt such rules and regulations as they may deem necessary to carry out the authority conferred upon them by this title.

[(h) The Department is authorized to provide the necessary secretarial and clerical assistance for the Commissions.

[RECOMMENDATIONS AND REPORTS

[**Sec. 603.** The Commissions shall meet not less frequently than once each month during the first six months after their establishment, and thereafter at such intervals as the Commission finds advisable, and shall transmit to the Secretary a quarterly report, and to the Congress a semiannual report of all programs and activities carried on under the authority of this Act, including appraisals, where feasible, as to the effectiveness of the several programs, and such recommendations as shall have been made by the Commissions to the Secretary for effectuating the purposes and objectives of this Act and the action taken to carry out such recommendations.

[UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

[**Sec. 604.** (a) The United States Advisory Commission on International Communication, Cultural and Educational Affairs, established by section 8 of Reorganization Plan Numbered 2 of 1977, is hereby redesignated as the United States Advisory Commission on Public Diplomacy (hereafter in this section referred to as the "Commission").

[(b) The Commission shall have a Staff Director who shall be appointed by the Chairman of the Commission. Subject to such rules and regulations as may be adopted by the Commission, the Chairman of the Commission may—

[(1) appoint such additional personnel for the staff of the Commission as the Chairman deems necessary; and

[(2) procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay payable for grade GS-18 of the General Schedule under section 5332 of title 5, United States Code.]

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TITLE VII—APPROPRIATIONS

Sec. 705. (a) * * *

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(b) In addition, the United States Information Agency may award program grants for the fiscal years [1986 and 1987] *1988 and 1989* only if the Committee on Foreign Affairs of the House of Representatives and the Committee on foreign Relations of the Senate are notified fifteen days in advance of the proposed grant.

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TITLE VIII—ADMINISTRATIVE PROCEDURES

THE SECRETARY

Sec. 801. * * *
(1) * * *

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(3) whenever necessary in carrying out title V of this Act, to purchase, rent, construct, improve, maintain, and operate facilities for radio transmission and reception, including the leasing of associated real property (either within or outside the United States) for periods not to exceed [twenty-five] *forty* years, or for longer periods if provided for by an appropriation Act, and the alteration, improvement, and repair of such property, without regard to section 322 of the Act of June 30, 1932 (40 U.S.C. 278a), and any such real property or interests therein which are outside the United States may be acquired without regard to section 355 of the Revised Statutes of the United States (40 U.S.C. 255) if the sufficiency of the

title to such real property or interests therein is approved by the Director of the International Communication Agency;

* * * * * * *

[**Sec. 810**. (a) Notwithstanding section 3617 of the Revised Statutes of the United States (31 U.S.C. 484) or any other law or limitation of authority, tutition fees or other payments received by or for the use of the International Communication Agency from or in connection with English-teaching programs conducted by or on behalf of the Agency under the authority of this Act or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency's applicable appropriation to such extent as may be provided in advance in an appropriation Act.]

Sec. 810. *Notwithstanding the provisions of section 3302(b) of title 31, United States Code, or any other law or limitation of authority, all payments received by or for the use of the United States Information Agency from or in connection with English-teaching, library, motion picture, and television programs conducted by or on behalf of the Agency under the authority of the Act or the Mutual Educational and Cultural Exchange Act of 1961 may be credited to the Agency's applicable appropriation to such extent as may be provided in advance in an appropriation Act.*

Department of State Authorization Act, Fiscal Years 1984 and 1985

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TITLE I—DEPARTMENT OF STATE

Sec. 101. * * *

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Sec. 115. (a) * * *

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(c) If Israel is denied its legal right to participate in the Economic and Social Council of the United Nations, or a subsidiary organ thereof, then the United States shall suspend participation in the Economic and Social Council until Israel is permitted to participate fully.

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Foreign Relations Authorization Act, Fiscal Years 1986 and 1987

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[**SEC. 130. OFFICIAL RESIDENCE OF SECRETARY OF STATE.**

[(a) CONGRESSIONAL REVIEW.—It is the sense of the Congress that the United States should not accept a gift of any house or other place of residence for the purpose of providing an official residence for the Secretary of State unless the Congress has had an opportunity to review the proposed gift.

[(b) STUDY AND REPORT.—The Secretary of State shall conduct a study of any offer of a gift for the purpose of providing a place of official residence of the Secretary of State. Such study shall include an examination of the costs to the United States associated with accepting such gift, including the costs of acquisition, maintenance, security, and daily operation of a residence. The Secretary shall report the results of any study conducted under this section to the Committee on Foreign Affairs and the Committee on Public Works and Transportation of the House of Representatives and to the Committee on Foreign Relations and the Committee on Environment and Public Works of the Senate.]

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SEC. 143. UNITED NATIONS ORGANIZATIONS REFORM IN BUDGET PROCEDURES.

[(a) FINDINGS.—The Congress finds that the United Nations and its specialized agencies whch are financed through assessed contributions of member states have not paid sufficient attention in the development of their budgets to the views of the member governments who are major financial contributors to those budgets.

[(b) VOTING RIGHTS.—In order to foster greater financial responsibility in preparation of the budgets of the United Nations and its specialized agencies whch are financed through assessed contributions, the Secretary of State shall seek the adoption by the United Nations and its specialized agencies of procedures which grant voting rights to each member state on matters of budgetary consequence. Such voting rights shall be proportionate to the contribution of each such member state to the budget of the United Nations and its specialized agencies.

[(c) LIMITATION ON ASSESSED CONTRIBUTIONS.—No payments may be made for an assessed contribution to the United Nations or its specialized agencies in excess of 20 percent of the total annual budget of the United Nations or its specialized agencies (respectively) for the United States fiscal year 1987 and following years unless the United Nations and its specialized agencies have adopted the voting rights referred to in subsection (b).]

SEC. 143. REFORM IN BUDGET DECISIONMAKING PROCEDURES OF THE UNITED NATIONS AND ITS SPECIALIZED AGENCIES.

(a) FINANCIAL RESPONSIBILITY IN BUDGET PROCEDURES.—To achieve greater financial responsibility in preparation of the assessed budgets of the United Nations and its specialized agencies, the President should continue vigorous efforts to secure implementation by the United Nations, and adoption and implementation by its specialized agencies, of decision-making procedures on budgetary matters which assures that sufficient attention is paid to the view of the United States and other member states who are major financial contributors to such assessed budgets.

(b) LIMITATION ON ASSESSED CONTRIBUTIONS.—(1) With respect to United States assessed contributions to the United Nations for each calendar year beginning with calendar year 1987—

> *(A) 40 percent of the funds available for payment of such contributions may be used for such contributions beginning on October 1 of such calendar year;*
>
> *(B) 40 percent of such funds may be used for such contributions beginning of December 15 of the same calendar year if the President has determined and so reported to the Congress that the consensus based decision-making procedure established by*

General Assembly Resolution 41/213 is being implemented and its results respected by the General Assembly; and

(C) 20 percent of such funds may be used for such contributions beginning on a date which is 30 legislative days after receipt by the Congress of the report described in clause (B) unless the Congress within such 30-day period enacts, in accordance with subsection (c), a joint resolution prohibiting the payment of the remaining 20 percent of such funds.

(2) For each calendar year beginning with calendar year 1987, no payment may be made of an assessed contribution by the United States to any of the specialized agencies of the United Nations if such payment would cause the United States share of the total assesed budget for such agency to exceed 20 percent in any calendar year unless the President determines and so reports to the Congress that such agency has made substantial progress toward the adoption and implementation of decisionmaking procedures on budgetary matters in a manner that substantially achieves the greater financial responsibility referred to in paragraph (1).

(3) Subject to the availability of appropriations, when the presidential determinations referred to in paragraphs (1)(B) and (2) have been made, payment of assessed contributions for prior years may be made to the United Nations or its specialized agencies (as the case may be) without regard to the contribution limitation contained in section prior to its being amended by the Foreign Relations Authorization Act, Fiscal Year 1988.

(c) DEFINITION AND PROCEDURES.—(1)(A) The provisions of this subsection shall apply to the introduction and consideration in a House of Congress of a joint resolution described in subsection (a)(1)(C).

(B) For purposes of this subsection, the term "joint resolution" means only a joint resolution introduced within 3 legislative days after the date on which the report of the President described in subsection (a)(1)(B) is received by Congress, the matter after the resolving clause of which is as follows: "that the payment to the United Nations of those contributions described in section 143(b)(1)(C) of the Foreign Relations Authorization Act, Fiscal Years 1986 and 1987, is prohibited".

(C) For purposes of this subsection, the term "legislative day" means a day on which the respective House of Congress is in session.

(2) A joint resolution introduced in the House of Representatives shall be referred to the Committee on Foreign Affairs of the House of Representatives. A joint resolution introduced in the Senate shall be referred to the Committee on Foreign Relations of the Senate. Such a joint resolution may not be reported before the 8th legislative day after its introduction.

(3) If the committee to which is referred a joint resolution has not reported such joint resolution (or an identical joint resolution) at the end of 15 legislative days after its introduction, such committee shall be deemed to be discharged from further consideration of such joint resolution and such joint resolution shall be placed on the appropriate calendar of the House involved.

(4)(A) When the committee to which a joint resolution is referred has reported, or has been deemed to be discharged (under paragraph (3)) from further consideration of, a joint resolution, it is at any

time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the joint resolution, and all points of order against the joint resolution (and against consideration of the joint resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the joint resolution is agreed to, the joint resolution shall remain the unfinished business of the respective House until disposed of.

(B) Debate on the joint resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours, which shall be divided equally between those favoring and those opposing the joint resolution. A motion further to limit debate is in order and not debatable. An amendment to or a motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the joint resolution is not in order. A motion to reconsider the vote by which the joint resolution is agreed to or disagreed to is not in order.

(C) Immediately following the conclusion of the debate on a joint resolution, and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the joint resolution shall occur.

(D) Appeals from the decisions of the Chair relating to the application of the Rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution shall be decided without debate.

(5) If, before the passage by one House of a joint resolution of that House, that House receives from the other House a joint resolution, then the following procedures shall apply:

(A) The joint resolution of the other House shall not be referred to a committee.

(B) With respect to a joint resolution of the House receiving the joint resolution—

(i) the procedure in that House shall be the same as if no joint resolution had been received from the other House; but

(ii) the vote on final passage shall be on the joint resolution of the other House.

(6) This subsection is enacted by Congress—

(A) As an exercise of rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(B) With full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(e) TERMINATION DATE.—This section shall terminate on September 30, 1989.

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SEC. 152. REPRESENTATIVE OF MINORITIES AND WOMEN IN THE FOREIGN SERVICE.

(a) * * *

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[(c) REPORTS TO CONGRESS.—The head of each agency utilizing the Foreign Service personnel system shall report annually to the Congress on the plan developed pursuant to this section as part of the report required to be submitted pursuant to section 105(d)(2) of the Foreign Service Act of 1980. Subsequent reports pursuant to that section shall include reports on the implementation of these plans, giving particular attention to the progress being made in increasing, through advancement and promotion, the numbers of members of minority groups and women in the mid-levels of the Foreign Service.]

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Board for International Broadcasting Act of 1973 (Radio Free Europe/Radio Liberty)

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Sec. 8. (a)(1) There are authorized to be appropriated to carry out the purposes of this Act—

[(A) $125,000,000 for the fiscal year 1986 and $125,000,000 for the fiscal year 1987; and]

(A) $174,000,000 for fiscal year 1988; and

* * * * * * *

(b) Beginning with fiscal year 1983, any amount appropriated under subsection (a)(1) of this section which, because of upward fluctuations in foreign currency exchange rates, is in excess of the amount necessary to maintain the budgeted level of operation for RFE/RI, Incorporated, *shall be certified to the Congress by the Director of the Office of Management and Budget and placed in reserve in a separate account in the Treasury only for the purpose of offsetting future downward fluctuations in foreign currency exchange rates in order to maintain the level of operations authorized for each fiscal year. Any such amount* may be merged with and made available for the same time period and same purposes as amounts appropriated under subsection (a)(2) of this section.

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Diplomatic Relations Act

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Sec. 7. * * *

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"(a) The district courts shall have original and exclusive jurisdiction, without regard to the amount in controversy, of any civil action commenced by any person against an insurer who by contract has insured an individual, who is, *or was at the time of the tortious act or omission;* a member of a mission within the meaning of section 2(3) of the Diplomatic Relations Act (22 U.S.C. 254a(3))[12] or a member of the family of such a member of a mission, or an individual described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, against liability for personal injury, death, or damage to property.

International Claims Settlement Acts

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TITLE I

Sec. 8. (a) * * *

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(g) The Secretary of the Treasury is authorized and directed to invest the amounts held respectively in the "special funds" established by this section in public debt securities with maturities suitable for the needs of the separate accounts and bearing interest at rates determined by the Secretary, taking into consideration the average market yield on outstanding marketable obligations of the United States of comparable maturities. The interest earned on the amounts in each special fund shall be used to make payments, in accordance with subsection (c), on awards payable from that special fund.

ADDITIONAL VIEWS OF SENATOR HELMS

The committee consideration of the important budgetary and programmatic issues concerning the Department of State and the United States Information Agency was hampered by the decision of the committee majority to mark up an original bill prepared by the majority's staff rather than the administration's bill on which hearings were held.

Included in the chairman's draft bill were a number of provisions for which most members of the committee must have found surprising in light of the complete lack of any hearing record addressing these issues. The chairman's draft bill included a title, later deleted from the bill after considerable debate, to reinterpret the ABM Treaty and to assert a new theory of executive-legislative authorities in the exercise of the power of the President to make treaties with foreign nations with the advice and consent of the Senate.

Because of the long debate over the ABM Treaty interpretation controversy, the committee did not have the time to devote to the very important challenges that face our international affairs agencies in this time of budget austerity. Long simmering problems with the management of the Foreign Service Act of 1980 should have been thoroughly addressed by the committee this year.

The bill reported by the committee contained numerous provisions which will need to be addressed by the Senate when the bill is considered on the floor. Among the major issues to be addressed are the following:

AMERICAN EMBASSY CHANCERY IN MOSCOW

Since the start of construction in 1979, the Department of State has invested $23 million into the construction of a new American Embassy chancery building in Moscow. The building is only partially completed as construction was halted while the Department of State ponders what it should do about the many tens of millions of dollars that the Soviet KGB and others have invested into an intelligence collection system that is buried into the very structure of our new chancery building.

The answer is quite simple: Tear it down and start all over and make the Soviets pay compensation to the American taxpayer.

As a Communist country, the Government of the Soviet Union must be held responsible for the actions of its state-owned construction contractor and its own government espionage agencies. The Soviety Government should be required to reimburse the American taxpayer in full for the costs of demolition of the present partially completed structure as well as for the cost of constructing a new building up to the present level of completion. If the Soviet Government wishes to portray itself to the world as committed to a new era of "glasnost" then it will quickly provide restitution for its failure to comply with the terms of the contract for the construction of the new Embassy chancery. If it will not abide by its contractual commitments, I see no reason for any one to believe that it will do so in any other international agreement. At a very minimum, its failure to comply with a contract between the Soviet Government and our Government undermines even the modicum of credibility that the Soviets have established in the world.

If the Soviets refuse to make full and complete restitution to the American taxpayer for their deliberate destruction of usefulness of the new chancery building, then I believe the agreement between our countries for the construction of new Embassy compounds in Moscow for us and in Washington for the Soviet Embassy will have been abrogated by the unilateral actions of the Soviet Government. The State Department should, in that circumstance, declare the agreement null and void and proceed to retake possession of the Soviet diplomatic compount on Mt. Alto.

The committee bill provides only for yet another study of the options available to the State Department. These options are already well known. They are: (1) Complete the building and try to remove the collection system; (2) partially dismantle the building and rebuild the top several floors in a more security conscious manner; or (3) tear it down. The preferred option of the Department of State is option 2.

I believe it would be an error of judgment for the United States to accept as its chancery in Moscow, a building in which four or five floors have been conceded to the KGB as fair game for their intelligence collection system. Without overly simplifying the situation, the fundamental issue is not whether the United States has the right to occupy the building it has paid for without undue Soviet interference with our quiet enjoyment of the property, it is whether we have the determination and mettle to insist on our rights. This is a Soviet test of American will.

The building should be demolished and a new building erected, even if it costs more money, for the following reasons:

First, working in a building whose first four or five floors are a "honeycomb" of Soviet intelligence collection systems can lead to only to two possible outcomes: (1) The American employees working on those floors will start to ignore the presence of the Soviet collection system and thus provide some valuable intelligence to the KGB, or (2) they will have to be so security conscious and guarded at all times that their work will suffer because of the distractions and discomposure that working in such an environment would engender. The KGB has invested many millions of dollars in the expectation that the outcome will be that eventually employees will let down their guard and they will start collecting important intelligence information. From a security point of view, outcome 2 is preferable if doubtful, but it is likely to make assignments in Moscow an even greater hardship than they are today and likely to create an extremely stressful situation for our employees. I, for one, would never accept the idea of working in an environment in which foreign intelligence agents were listening into every conversation I had and reading everything I wrote. I doubt many Foreign Service employees would have a different point of view.

Second, the chancery is being built as a long-term investment to provide office space for our diplomatic efforts for decades to come. It is impossible to project today with any accuracy what the space allocation needs of the various agencies will be 10, 20, 30 or more years from today. If we concede to the KGB the right to invade part of our chancery with their collection systems, one day we may find ourselves severely limited in the use we can make of our chancery building. When we pay for a whole building, we need to be able to occupy the entire building from top to bottom without having to take into consideration the KGB.

Third, we should demolish the building because it will allow us to inspect the intelligence collection system and thus improve our own capacities in that field. According to press reports, the collection system is more sophisticated than anything our agencies have developed. Demolishing the building may also reveal other systems whose presence is suspected or feared but not yet discovered.

Fourth, demolishing the building will help control the costs to the taxpayer. There is no guarantee that the cost of removing the system from a few floors of the building, projected by former CIA Director William Schlesinger, at "many tens of millions" can be determined with any real accuracy. There is no guarantee that we have discovered all the elements of the intelligence collection systems installed into the building. Thus the discovery of new systems could involve additional costs while the possibility that not all the systems have been eradicated or disabled will lead to the need for further security measures. I have yet to hear a convincing argument from the Department of State why "many tens of millions of dollars" should be spent to salvage a $23 million investment and yet result in only a half-secure building.

Finally, there is a real question of American national pride. Are we in such desperate financial straits that we cannot afford to spend what it will take to have a chancery in Moscow that is secure from the KGB? Are we so lacking in national will that we accept meekly that the KGB can do whatever it wants to our chancery building? Those in the Congress who insist that the answer to these questions is a resounding "No!" will support efforts during the floor consideration of this bill to order the immediate demolition of the present compromised building and the construction of a new, secure chancery.

THE SECRETARIAL MANSION

Section 136 of the committee bill authorizes the acquisition of an official Secretarial Mansion for the Secretary of State. This section represents a major change in the level and nature of the compensation payable to the Secretary of State. As a major change in the compensation payable to a Government official, the proposal is properly within the jurisdiction of the Committee on Governmental Affairs under the Senate rules.

The professed purpose of the Secretarial Mansion is to save the Department of State the expense of installing security and communications equipment in a new residence each time there is a change in Secretaries of State. State has provided no information to the committee substantiating the level of savings that would accrue from the elimination of the changes, nor has State provided any feasibility study in support of their request for an official Secretarial Mansion. Such a study was required by Public Law 99-93. I believe that in the absence of such a study, the proposal should be held in abeyance unless and until a serious cost analysis has been conducted by independent analysts.

Reports emanating from informed sources within the Department of State and other Government agencies suggest that the proposal for an official residence is a "pet project" of the current Secretary who looks upon the acquisition of an official residence as his "legacy to future Secretaries of State." The entire project has been nicknamed "Chateau Shultz" by State Department officials.

An official residence will entail more than simply providing an empty house to the Secretaries of State. According to my sources in the Department, the Secretarial Mansion envisioned by the Department will be a very large and impressive home. The plans call for a dining room large enough to accommodate 20 to 24 guests for what is described as "small breakfasts and dinner parties." One can reasonably presume that the other rooms in the house will be of similar proportions.

A large 7,000- to 10,000-square-foot house will lead, as sure as the sun in the morning, to a request by the spouse of the Secretary for household assistance. Since the Department of State already provides a full-time maid to the Deputy Chief of Mission at the U.S. Mission to the United Nations to care for a relatively small three-bedroom apartment, it would be reasonable to assume that at least three full-time servants will be required to maintain the interior of the Secretarial Mansion. Using State Department payments to the maid in New York as a guide, we can safely presume that the cost will be $20,000 each.

Furthermore, it would be fair to expect that the Secretary will not be spending his weekends gardening, pruning the bushes, sweeping the sidewalk, fixing the window screens, and the other household chores and expenses of a homeowner since after all it will be the Government's property. He will expect the Government to provide for such maintenance of the Government's house. Add another $20,000 to $30,000 a year.

Finally, future Secretaries of State may not with to spend the money to acquire adequate furnishings to fully furnish and outfit a house substantially larger than their permanent residence. The Government will thus be asked to provide for furnishings and fittings for the house. While this proposal is justified on the basis of a cost savings resulting from the elimination of expenses incurred to install security systems and secure communications equipment in the Secretary's home each time there is a new Secretary of State, once an official Secretarial Mansion is acquired there will be even greater expenditures of public funds as each Secretary and his or her spouse remodels, renovates, and refurbishes the official residence to suit personal tastes and styles. It is well known to those who follow the State Department closely that it is not uncommon for tens of thousands of dollars to be spent to redecorate official ambassadorial residences to suit the different tastes of the occupants. It is unlikely that the Department would refuse to redecorate the residence of its Secretary.

One can easily and accurately project that the acquisition of an official residence will require, in addition to the acquisition, depreciation, and major renovation costs now under discussion, an annual expenditure of at least $100,000. In effect, the Secretary of State will receive compensation double that of his Cabinet colleagues.

State Department officials claim that the complete cost of the Secretarial Mansion will be born from private contributions from wealthy individuals and special interest groups. This claim needs careful examination. The State Department has encountered serious difficulties in obtaining private contributions to pay for the remodeling of the Secretary's office suite and entertainment areas. The Department has "borrowed" funds from the appropriation for emergencies in the diplomatic and consular services to pay for $2.5 million per room conversion of the Secretary of State's office into the most luxurious and ostentatious office in the Federal Government. (Tens of thousands of dollars were spent putting real gold leaf onto the walls despite the ability of the Secretary's boss, the President, to survive with only white paint on the walls of the Oval Office.) With the reduction in the tax benefits for tax deductible contributions, the Department's difficulties in obtaining long-term private support for the acquisition, maintenance, and staffing of an official residence will only increase.

Even if privately funded, I question the propriety of asking for wealthy individuals to contribute to an expense that has heretofore been considered strictly personal. Is it good for the country for the Secretary of State to beg wealthy individuals for contributions to help him pay for expenses of maintaining his household? I cannot help but believe that in the long run, such a process will serve only to erode public confidence in the independence and probity of the Secretary of State.

Finally, I am concerned about the precedent that would be established by section 136. Other officials of the Government can claim, legitimately or not, to have similar security concerns that would justify an official residence for themselves and their successors. One can easily identify at least some of those positions: White House Chief of Staff, Secretary of the Treasury, CIA Director, Attorney General, DEA Administrator, National Security Advisor, Secretary of Defense, National Security Agency Director, FBI Director, and so forth. As a matter of fact, all Cabinet officers and senior White House officials could make this claim. It would not take much imagination for Senators and Congressmen to work up a justification for an official residence for themselves on the same basis as has been used for the Secretarial Mansion that the Secretary of State wishes to leave as his legacy.

If the time comes that such residences are required for security reasons, then I believe private funding for these expenses would be highly inappropriate. Without constant monitoring, fundraising for these residences could become almost extortionary. The private contributors to these residences would, in all likelihood, be the very individuals within the ambit of the position. Defense contractors and interest groups would contribute to the housing for the Secretary of Defense, banks and other financial interest groups to the housing for the Secretary of the Treasury, agribusiness organizations to the housing for the Secretary of Agriculture, and on and on.

I believe the Senate will vote to strike section 136 from the bill. A motion to delete the section failed on an 8–9 vote with several members not voting. Such a close vote in the committee with the closest ties to the Department augurs well for the deletion of this section on the floor.

USIA Commission on Public Diplomacy

Without once including the matter in the committee's hearing on the USIA authorization request, the majority included in the bill to be marked up by the committee a section abolishing the 40-year-old United States Advisory Commission on Public Diplomacy and establishing a new panel to be appointed by a convoluted and unconstitutional system of congressional and Presidential appointees.

The ostensible rationale for the majority's proposal is that it finds that the individuals appointed to the "Democratic" posts on the Advisory Commission (all of whom were confirmed by the Senate) no longer meet its idelogical or political criteria as Democrats. I question the wisdom of trying to restructure Government organizations as a means of forcing the peculiar political viewpoints of one party member or group of members onto other persons who claim membership in the Democractic Party. As a former Democrat myself, I am aware that the Democratic Party, like the Republican Party, includes in its ranks persons with different perspectives on the issues facing our country and with different political and persons loyalties. I find it difficult understand how a person who was a Democratic candidate for the U.S. Senate can be considered to be not a real Democrat.

The present Commission members were appointed by the President with the advice and consent of the Senate. Senators are well aware of their perogatives in debate on nominations. Had the Democratic Members of the Senate unified in opposition to these appointments when they were under consideration, these Commission members would not have been appointed.

The complicated and convoluted appointment process created in the chairman's proposal is unconsititutional. The United States Advisory Commission on Public Diplomacy established by section 215 of this bill is charged with formulating and recommending to the Director of the United States Information Agency's policies and programs for carrying out the Agency's functions. Five of the seven members of the Commission are to be appointed by Members of Congress serving on the Senate Foreign Relations Committee and the House Foreign Affairs Committee. I do not believe that an executive branch agency can be required to fund a congressional commission appointed primarily by the Congress. Only the President has the authority to appoint individuals to positions funded by appropriations made for the operation of the executive branch.

Furthermore, the chairman's proposed Advisory Commission is assigned the responsibility of advising the Commission on Foreign Relations and the Committee on Foreign Affairs about the USIA legislation and about policies and programs for the Agency. This seems to me to be a role more properly carried out by individuals on the payroll of the legislative branch. While Congress can require reports from the executive branch, to require the executive branch fund a panel appointed primarily by the Congress whose functions include providing advice and assistance to the Congress seems to me to be inappropriate.

GLOBAL CLIMATE PROTECTION ACT OF 1987

Title IV of this bill contains a separate act designated as the Global Climate Protection Act of 1987. The title incorporates in substantial measure the text of a Senate bill, S. 420, which was introduced on January 29, 1987, and referred to the Committee on Governmental Affairs. Hearings on this bill were held in the Committee on Governmental Affairs and in the Committee on Environment and Public Works.

Both committees will undoubtedly be surprised that the Committee on Foreign Relations has decided to include the text of a bill under their jurisdiction as part of an original bill reported by the Committee on Foreign Relations.

There have been no hearings in the Committee on Foreign Relations in connection with this issue. The committee has received no testimony from expert witnesses on the subject of the global environment in the 21st century. It is therefore suprising that sweeping statements about scientific matters such as the global climate have been "found" by the Congress in this title.

The establishment of a task force chaired by the Secretary of State to study these matters strikes me as ill-advised. With all due respect to the Secretary, there is nothing in Secretary Shultz' background as a respected economist, businessman, and Government official that suggests expertise in the matters assigned to this task force. I say this without in any way criticizing the Secretary's abilities in other fields. The Secretary of State already has responsibilities which completely occupy his time and efforts, including the very important issues associated with arms control negotiations with the Soviet Union. To legislatively assign to the Secretary the responsibility for chairing a task force on issues not heretofore under the jurisidiction of the Secretary or his Department and to demand that the Secretary set aside his present duties to prepare himself to perform these new duties at the high standard we expect of him is, in my mind, a very serious mistake.

I would have to demur as well on the grounds of my own lack of expertise from the responsibilities assigned by the title to the chairmen and ranking minority members of the Senate Foreign Relations Committee and House Foreign Affairs Committee. I am not sure that I have the scientific knowledge and expertise in these matters to legislate for myself the position of "advisor" to the task force.

Section 407 of this title finds that the Soviet Union and the United States are the two major polluters of the world's atmosphere (a finding for which there is no substantial evidence presented to justify) and urges the President to make the issue of climate protection a "high priority" on the agenda of United States-Soviet relations. There is no indication in the committee bill or report as to the relative ranking this "high priority" should have in United

States-Soviet relations. I believe that by including high priorities such as this one, one is debasing the currency. The United States and the Soviet Union have many issues already on the agenda, dozens upon dozens of which deserve a higher priority than this one.

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